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Wednesday, April 27, 1960
Vaisakha 7, 1882 (Saka)

LOK SABHA DEBATES

Tenth Session
(Second Lok Sabha)

LOK SABHA SECRETARIAT

New Delhi

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LOK SABHA

Wednesday, April 27, 1960/7th Vaisakha, 1882 (Saka)

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

Adulteration of Ghee

*1720. **Shri Ram Krishan Gupta:** Will the Minister of **Scientific Research and Cultural Affairs** be pleased to refer to the reply given to Starred Question No. 336 on the 26th November, 1959 and state:

(a) whether the chronic toxicity tests of the chemical compound suitable for use as an additive to Vanaspati to enable detection of adulteration of ghee with Vanaspati have since been completed; and

(b) if so, the details thereof?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a) Not yet, Sir.

(b) Does not arise.

Shri Ram Krishan Gupta: In reply to a previous question, the hon. Minister stated that some compound has been found which is colourless and that adulteration can be detected. May I know whether, in view of this fact, it has been recommended for use?

Shri Humayun Kabir: On the last occasion I stated that the tests had been carried on for about one year and at least 18 months would be required. In the meantime, the preliminary tests have shown that there is a certain amount of toxicity. The present findings show that while both the samples of the compound cause pathological changes in the liver, sample No. 2, in addition, causes gross damage to the kidneys. So, these tests have to continue for a longer period.

श्री म० ना० सिंह : आज इतने दिनों से बराबर वनस्पति को रंगने की कोशिश हो रही है लेकिन कोई नतीजा नहीं निकल सका । तो क्या मिलावट को रोकने के लिये, जो कि एक बुरी चीज है, सरकार कोई उपाय सोच रही है ?

श्री हुमायून् कबिर : यह सही है कि इसके लिये काफी सालों से कोशिश हो रही है । लेकिन यह कोशिश सिर्फ हमारे ही मुल्क में नहीं हो रही है, दूसरे मुल्कों में भी इस किस्म की कोशिश हो रही है । यह बेरंग चीज है और अगर इसको वनस्पति में मिलाया जायेगा तो बाहर तो मालूम नहीं होगा लेकिन घर में जब इसको काम में लायेंगे तो रंग निकल आएगा । यह खाने की चीज है. इसलिये जब तक हमको पूरा भरोसा न हो जाय कि इससे कोई नुकसान नहीं पहुंचेगा तब तक हम इसके इस्तेमाल की आम इजाजत नहीं दे सकते ।

Entry of Pakistanis

*1721. **Shri M. B. Thakore:** Will the Minister of **Home Affairs** be pleased to refer to the reply given to Starred Question No. 1018 on the 21st August, 1957 and state:

(a) whether Government have taker any steps to stop illegal entry

of the Pakistani nationals through Kutch desert and Indo-Pakistan border;

(b) whether it is a fact that such intruders give information to the Pakistani dacoits and nationals who cross the border and commit dacoities and steal the cattle of the Indian nationals; and

(c) whether the famous smuggler Talah smuggled gold with the help of information supplied by such intruders from Pakistan?

The Minister of Home Affairs (Shri G. B. Pant): (a) Yes; the number of check-posts in the border areas has been increased and patrolling and vigilance on the land border and the sea coast have been intensified;

(b) No such incident has come to notice;

(c) There is no such information.

Shri M. B. Thakore: May I know whether it is a fact that dangerous weapons are being smuggled into India from Pakistan by Pakistani nationals and, if so, the type of such weapons the total number of such weapons and the reasons for importing them.

Shri G. B. Pant: We have no definite information on this point.

Shri M. B. Thakore: May I know whether it is a fact that a leader of a political party at Radhanpur in north Gujarat harbours Pakistani nationals unlawfully uses his home as a place for anti-Indian activities?

Shri G. B. Pant: I have no information about it.

Shri Hem Barua: On a previous occasion the hon. Prime Minister said that generally speaking those people who come without papers are arrested. May I know the number of people who have come without papers and have been arrested so far?

Shri G. B. Pant: In these areas there have not been any arrests recently; many measures have been taken to prevent infiltration and they seem to have proved effective.

Shri Hem Barua: What steps are taken to prevent infiltration in the desert areas, because they come through the desert routes generally.

Shri G. B. Pant: Yes; there are a number of border posts: now; about 24 border posts have been started and special security measures have been taken at the Mandvi port so that there may be no infiltration of this type.

Shri M. B. Thakore: May I know whether it is a fact that because of the lack of transport and communication in this most backward area, the intruders from Pakistan are not immediately detected and, if so, may I know whether the Government propose to develop these areas fully?

Shri G. B. Pant: Yes; we have the intention of developing every area including this. As to how and when, is a different problem.

Pandit D. N. Tiwari: May I know whether the steps taken to prevent the illegal entry have proved successful, or, in spite of these precautions there are more illegal entries?

Shri G. B. Pant: There have not been any such cases of illegal entry. As I have just stated, the measures that have been taken seem to have been successful.

Shri M. B. Thakore: May I know the number of dacoities and thefts of cattle committed by the Pakistani nationals after crossing the Indo-Pakistan border since 1957?

Shri G. B. Pant: The matter of law and order comes specifically within the jurisdiction of the Bombay Government where this Kutch area lies. So, I have no definite information on that point. But I have not received any report to the effect that Pakistani dacoits or nationals from Pakistan have committed such offences in the Bombay State.

श्री प्रकाश वीर शास्त्री : क्या मैं जान सकता हूं कि भारत सरकार ने पाकिस्तान सरकार को इस प्रकार के आने वालों पर

रोक लगाने के लिये कोई विरोध पत्र आदि भेजा है ?

श्री गो० ब० पन्त : मैं समझता हूं कि भारत सरकार ने पाकिस्तान सरकार से इस बात के लिये कहा होगा कि वहां से चोर डाकू इधर न आवें, मगर कोई उनकी इजाजत से तो वह आते नहीं हैं ।

Development of Modern Indian Languages

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*1722. **Shri S. C. Samanta:**
Shri Subodh Hansda:
Shri Hem Raj:
Shri Chintamoni Panigrahi:
Shri Daljit Singh:
Shri Ajit Singh Sarhadi:

Will the Minister of **Scientific Research and Cultural Affairs** be pleased to lay a statement showing:

(a) how many State Governments have asked for grants and how much has been sanctioned for the development of Modern Indian Languages except Hindi and Sanskrit during 1959-60;

(b) whether any reports of work for the grants in previous years have been received from State Governments;

(c) if so, how the amounts have been utilised; and

(d) whether any State Governments have asked for some loans also?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a) Eleven State Governments asked for these grants and the total amount sanctioned or authorized during the year was Rs. 2,42,651 to nine States.

(b) and (c). Governments of Assam, Madhya Pradesh and Punjab did not incur any expenditure in 1958-59. Reports from the Governments of Rajasthan and West Bengal are awaited. Government of Jammu and Kashmir utilized a portion of the grant sanctioned in 1958-59 on the publication of selections of Kashmiri and Dogri poems and two other books.

(d) No.

Shri S. C. Samanta: May I know whether any direction is given to the State Governments for the expenditure on this developmental work?

Shri Humayun Kabir: There is no question of any direction. When the State Governments ask for grants for a particular project, the project is examined; it may be a translation of a book, publication of a book, even the edition of a dictionary, or preparation of an encyclopaedia, and we give grants against those requests with the proviso that the money has to be spent within the specified period.

Shri Subodh Hansda: May I know whether the Government have any definite plans or schemes for the development of modern Indian languages and, if so, what are the salient features of the scheme?

Shri Humayun Kabir: That should require a statement because it is a fairly comprehensive programme which we have stated briefly in the House on one or two occasions before. Our plan is to see that there are at least one or two books on every major department of science and knowledge in every modern Indian langauge by 1967.

Shri Ansar Harvani: Since Urdu happens to be a very important and very much neglected modern language of India, may I know if any grant has been made for the development of that language?

Shri Humayun Kabir: It is a very important language of India. I do not accept that it is a neglected language of India. We have made adequate grants for it.

Shri S. C. Samanta: May I know if any grant is being given to the universities of India for this purpose

and, if so, which of the universities have been given grants?

Shri Humayun Kabir: This particular question refers to requests from State Governments and I have confined myself to State Governments. Apart from State Governments, requests are received from organisations of various types in which universities are also included. If it is a project in connection with the development of a modern Indian language, we consider such requests.

Shri Hem Raj: May I know whether any action has been taken, in the case of State Governments which have not expended the sums, to remind them to spend those sums for the purposes for which they are given?

Shri Humayun Kabir: The programmes are proceeding and generally there is a condition that the money has to be spent, sometimes within 6 months, sometimes within 9 months or sometimes within a year. They come for subsequent grants which are not paid till the earlier portions have been properly utilised.

Shri Chintamoni Panigrahi: May I know the total allocations made for the development of modern Indian languages in the second Plan period and how much has been utilised by the different State Governments?

Shri Humayun Kabir: I cannot give the figure for the entire Plan period exactly. I think the whole allocation for the Plan period is about Rs. 20 lakhs. We spent in 1958-59 a total of about Rs. 2,40,000 and in 1959-60 Rs. 4,62,851.

Shri Daljit Singh: May I know whether preference is being given to the provincial languages and if so, what ratio of the amount of the grant is being spent in this regard?

Shri Humayun Kabir: I stated this is for the development of modern Indian languages. I presume the hon. Member means modern Indian languages when he speaks of provincial languages.

Shri C. R. Pattabhi Raman: Are Government giving any directions in regard to the translation of scientific terms in some regional languages?

Shri Humayun Kabir: This matter is being dealt with in the Ministry of Education. But the general feeling has been that scientific terminology, whenever it is of an international character, should be transliterated rather than translated.

Shri Ajit Singh Sarhadi: May I know the allocation for Punjabi?

Shri Humayun Kabir: Punjab received during the year 1959-60 an amount of Rs. 30,200 and during 1958-59 Rs. 27,000.

Shri Ajit Singh Sarhadi: Was it at the request of the State Government?

Shri Humayun Kabir: The State Government of Punjab were given Rs. 14,000 during 1959-60.

Shri Ranga: Have Government any programme either of their own or through the State Governments or other organisations to see that general encyclopaedias are published in all the languages within a particular period?

Shri Humayun Kabir: I have already mentioned that this is part of our programme and we are helping any language which is coming forward with a scheme for an encyclopaedia.

Shri Ranga: Apart from waiting for some schemes to be sent by the States or other organisations. have the Government of India any definite programme to see that no modern Indian language will go without an encyclopaedia within three or four years' time?

Shri Humayun Kabir: Yes, Sir; apart from the larger encyclopaedias which are being prepared by the State Governments or other organisations, we are preparing at the Centre a one-volume encyclopaedia which we shall make available to all the different languages. We hope this should be ready in 4 of 5 years' time.

Shri Sadhan Gupta: May I know the language-wise break-up of the funds allotted for development?

Shri Humayun Kabir: For which year? For 1959-60?

Mr. Speaker: I would not allow time to be taken up on this. There are 14 States and 14 languages. Next question.

Official Language

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*1723. **Shri Rameshwar Tantia:**
Shrimati Ila Palchoudhuri:
Shri Prakash Vir Shastri:
Shri Aurobindo Ghosal:
Shri Hem Barua:
Seth Govind Das:
Shri P. K. Deo:
Shri B. C. Prodhan:

Will the Minister of **Home Affairs** be pleased to state:

(a) whether Government have taken a final decision on official language; and

(b) if so, the details of the decision?

The Minister of Home Affairs (Shri G. B. Pant): (a) and (b). The President's directions under clause (6) of Article 344 on the Report of the Committee of Parliament on Official Language are expected to be announced soon.

श्री रामेश्वर टांटिया : बारह वर्ष बाद आज भी संसद् और सरकार का ज्यादातर काम अंग्रेजी में होता है । क्या मैं जान सकता हूं कि क्या सरकार इस बारे में कुछ सोच रही है कि वह काम राज-भाषा में किया जाये, जिससे आगे और टाइम न बढ़ाया जाये?

श्री गो० ब० पन्त : संसद् का काम तो हिन्दी में भी होता है और अंग्रेजी में भी हो रहा है ।

श्री रामेश्वर टांटिया : क्या सरकार ऐसा कुछ सोच रही है कि मंत्रियों और आफिसर्स के लिये राज-भाषा जानना जरूरी हो ?

श्री गो० ब० पन्त : इस बारे में यहां काफी बहस हुई है । आफ़िशियल लैंग्वेज के ऊपर जो पार्लिमेंट की कमेटी थी, उसके सामने काफी मामला आया है और सब बातों को देख कर कांस्टीच्यूशन के मुताबिक प्रेजिडेंट के डायरेक्शंज जारी हो जायेंगे । मैं उम्मीद करता हूं कि वे बहुत जल्दी जारी हो जायेंगे । अगर मुमकिन हुआ, तो मैं एक कापी इस सेशन में ही यहां पर रख दूंगा ।

Shri Hem Barua: May I know what position is visualised for the State languages in official matters in the context of an all-India official language, when it comes into existence?

Shri G. B. Pant: Everything will be, I think, in accordance with the directions of the President. The whole question has been discussed in Parliament.

Shri Hem Barua: Do Government have any picture of it?

Shri G. B. Pant: No picture unless it has been drawn.

Mr. Speaker: The hon. Minister will place a copy of the directions on the Table of the House.

Shri G. B. Pant Yes; if I can possibly do so within the next few days. Otherwise, I will place it in the library.

Some Hon. Members *rose*—

Mr. Speaker: Hon. Members will see that the hon. Minister is not prepared to go into the details of it. The directions will be placed on the Table of the House. I will circulate copies of the directions to every hon. Members.

Shri Sampath: I want to ask a different question.

Mr. Speaker: A different question arising out of this? Then it is irrelevant.

Shri Sampath: It is about the assurance given by the Prime Minister and endorsed by the Home Minister. In view of the fact that our Prime Minister assured the House that no steps will be taken to replace the use of English as official language by Hindi without obtaining the consent of the non-Hindi-speaking people, may I know whether the Government has contemplated any means by which to obtain or know the consent or otherwise of the non-Hindi-speaking people?

Shri G. B. Pant: I think we have to wait for the directions before I can say anything. Of course, whatever happened in this House is known to me and also to the Government.

Mining in Bombay

***1724. Shri Pangarkar:** Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) whether the Government of Bombay have approached the Government of India for any financial assistance to explore the mining prospects in the State;

(b) if so, whether any scheme has been forwarded by the Bombay Government; and

(c) the action taken thereon?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) No, Sir.

(b) & (c). Do not arise.

Shri Pangarkar: May I know the latest estimates of oil deposits in the Cambay and Baroda areas of Bombay State?

Shri K. D. Malaviya: What has oil deposits to do with this question? It has nothing to do with Question 1724.

Mr. Speaker: Next question.

Board of Control for Cricket in India

\+

***1725. Shri H. N. Mukerjee:**
Shri Prabhat Kar:
Shri Ram Krishan Gupta:
Shri Bhakt Darshan:

Will the Minister of **Education** be pleased to refer to the reply given to Starred Question No. 207 on the 23rd November, 1959 and state:

(a) whether the report of the Committee appointed to inquire into certain allegations against the Board of Control for Cricket in India has been considered; and

(b) if so, the result thereof?

The Minister of Education (Dr. K. L. Shrimali): (a) and (b): The report is still under the consideration of the All India Council of Sports. I should like to add further that the report was submitted by this committee on the 28th November, 1959 when the All-India Council of Sports considered this report. The All-India Council of Sports decided that before they considered the report, it would be desirable to have the reaction of the Board of Control for Cricket in India. Therefore, they sent this report to the Board of Control for Cricket in India in December, 1959 and the Board of control was requested to submit its comments within a period of two months. They have not sent their comments and they have written that the working committee of the Board will be meeting sometime in June or July, 1960. They would be able to send their comments only after this committee has met.

Shri H. N. Mukerjee: May I know if a former Indian captain and a great cricketeer, Shri V. M. Merchant, was in any way associated with the enquiry or his articles in the press over a long period were taken into consideration in the course of the investigation?

Dr. K. L. Shrimali: The members of the Committee were: the late Maha-

raja Duleep Singhji, Chairman, the Maharaja of Patiala, member and Shri M. K. Kaul, member.

Shri H. N. Mukerjee: May I know if the Minister has any information as to whether certain charges, which were referred to in the press regarding a certain very objectionable menu card issued in connection with the entertainment of the West Indies team, to which the attention of the Prime Minister has also been drawn, were being considered by the investigating committee?

Dr. K. L. Shrimali: It is not possible for me to go into each and every allegation. But I would like to say generally that all the allegations which came before the Ministry were examined by this Committee. The report is now confidential. After the Sports Council has considered this report, I shall make this report available to Parliament.

Shri Ram Krishan Gupta: May I know whether this Committee also found out the causes which led to the degeneration of the standards of cricket and, if so, what are the remedies suggested?

Dr. K. L. Shrimali: The Committee has examined thoroughly all the aspects. As I said, the report will be available to Parliament after the Sports Council has considered the report.

श्री भक्त दर्शन : मैं जानना चाहता हूं कि क्या क्रिकेट कंट्रोल बोर्ड ने कोई कारण बताया है कि इतनी देरी होने पर भी उन्होंने अपना स्पष्टीकरण क्यों नहीं दिया है ? मैं यह भी जानना चाहता हूं कि देर से देर कब तक इसके बारे में निर्णय होने की आशा की जाती है ?

डा० का० ला० श्रीमाली : कारण बताया है । उन्होंने कहा है कि उनकी कमेटी की मीटिंग साल में एक ही बार होती है और वह मीटिंग जून, जुलाई, १९६० में होगी और उसके बाद वे अपना जवाब भेजेंगे । फिर जितना जल्दी हो सकेगा इस पर विचार होगा और यह आशा की जाती है कि ११ जुलाई १९६० को जो आल इंडिया काउंसिल आफ स्पोर्ट्स की मीटिंग हो रही है उस में इस पर विचार किया जायगा ।

Shri Jaipal Singh: The President of the Board is here opposite. I was just wondering whether he could throw more light on this. I am referring to Sardar Surjit Singh Majithia, President of the Board of Control for Cricket.

Mr. Speaker: Next question.

Shri Goray: It is a very serious matter that such a menu card was given to the visiting team. We are surprised that such menu cards are distributed. It so happens that the person connected with this is also a Member of Parliament.

Shri Hem Barua: That card verges on obscenity and vulgarity, which is a disgrace to our nation. It is strange that the Education Minister has no knowledge of it.

Mr. Speaker: I remember that on a prior occasion also this matter was brought to the notice of the House. The hon. Minister will kindly look into the matter as to how it occurred so that we may see that it does not happen in the future. This is one of the matters on which the Members are a little bit exercised.

Shri Hem Barua: The pictures were horrible.

Dr. K. L. Shrimali: If the hon. Member is referring to some menu card..

Shri Goray: Shall I produce it?

Dr. K. L. Shrimali: As far as I know this was a private dinner arranged by a private individual. I do not think we can go into the private affairs of each and every person. As far as I am concerned, I did not like it my-

self. But when we made enquiries we found that it was a personal affair.

Shri Hem Barua: Does it not come within the purview of pornographic literature?

Shri Tangamani: May I know whether the West Indian cricket team..

Mr. Speaker: Order, order. The hon. Minister seems to feel that it is a private affair. Anyhow, whoever comes to this country and attends such parties, whether arranged by Government or by private individuals, will carry some of these reminiscences with them when they go back, which will not be in our interest.

Dr. K. L. Shrimali: I fully share the feelings of the hon. Members. But the difficulty is that this is entirely a private affair. Somebody invited a team for dinner and the menu card was not in good taste. It may be that some people think it is in bad taste and others think it is in good taste. How is the Government concerned with this private affair? What can the Government do when a private person arranges a dinner where these menu cards are given? It is beyond our purview. If we do this, we would have to go into the private life of each and every individual.

Shri Goray: It is not a question of going into the private life.

Shri Hem Barua: Some of our Ministers have attended the party.

Mr. Speaker: Next question.

Interpol Conference

*1726. **Shri Raghunath Singh:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether interpol Conference of the South East Asiatic Countires was held at Lahore in the third week of January, 1960 in which India also participated.

(b) if so, the result of the Conference; and

(c) the part which India played in it?

The Minister of Home Affairs (Shri G. B. Pant): (a) Yes. The Conference was held at Lahore from the 18th to the 23rd January, 1960.

(b) The meeting helped to promote co-operation and closer co-ordination between members in regard to measures for checking traffic in illicit drugs.

(c) The Indian delegates took an active part in all the discussion.

Shri Raghunath Singh: What was the object of the conference?

Shri G. B. Pant: The object was to consider the problems of illicit drugs and traffic in such drugs.

Shri Rami Reddy: May I know whether it is a fact that a Delhi girl was taken into custody by the Interpol in Austria because some dacoits or bandits had sent letters to the parents of the girl that unless some money is given as ransom the girl will be kidnapped? If so, what action has been taken by this Government?

Mr. Speaker: This question relates to the Conference at Lahore. All matters connected with Interpol are not before this House. Anyhow, this matter is constantly appearing in the newspapers.

Shri G. B. Pant: This conference was only required to deal with the question of traffic in illict drugs and the like.

Republic Day

*1727. **Shri A. M. Tariq:** Will the Minister of **Defence** be pleased to state:

(a) whether Government propose to introduce the system of admission to the Republic Day Parade by tickets from next year onwards; and

(b) if so, the details thereof?

The Parliamentary Secretary to the Minister of Defence (Shri

Fatesinhrao Gaekwad): (a) and (b). The question of introducing a system of priced tickets for admission to the seated enclosures at Rajpath for the Republic Day Parade would require careful consideration which is being given.

Shri A. M. Tariq: May I know whether the Government can give us an idea of the amount spent every year on this parade?

The Minister of Defence (Shri Krishna Menon): That does not arise out of this question.

Shri Ansar Harvani: Are the Government aware that while the erstwhile British stooges like Khan Saheb, Rai Sahebs and Knights are being invited to these functions, no invitation cards are issued to the martyrs of freedom struggle?

Shri Krishna Menon: Government is not aware of that.

Shri Radha Raman: In view of the long time and the huge amount that Government generally spent for temporary constructions on the parade ground may I know whether Govenment will consider having some permanent structures so as to save that money?

Mr. Speaker: That does not arise out of this question.

Shri Hem Barua: In view of the fact that the Republic Day celebrations are a jubilation for the people, what are the specific reasons for the Government considering the introduction of priced tickets?

Shri Krishna Menon: This is not for attending the Republic Day parade. Anybody can attend it. With regard to seats, obviously, it is not possible to construct seats to accommodate half a million people. Therefore, what is to be done about it is the question.

Shri A. M. Tariq: Have the Ministry any rules to guide them about to whom the invitations are to be issued? Is it a fact that in the last year Republic Day parade they invited the Raja of Hunza, who invaded Gilgit and Ladakh along with the Pakistan army, as a VIP of our Government to watch the parade?

Shri Krishna Menon: There is a committee, but not necessarily of the Ministry of Defence. It is my recollection that the Prime Minister or some one like that is associated with this as chairman. I have no information whether any Raja was invited. I would require notice for that. Anyhow, I will enquire about it.

Shri Vajpayee: The hon. Minister has not given the reasons which are compelling the Government to have priced tickets for the visitors.

Mr. Speaker: He has already replied to that in answer to Shri Hem Barua.

Shri Tangamani: May I know whether arrangements will be made for sending the tickets to the people who had applied for them in time because complaints have been received that there has been a lot of delay and inconvenience also?

Shri Krishna Menon: There is no special machinery for this. It has got to be done by the existing staff and we do send them as best as we can. Usually many people come and collect their tickets or send someone for it. If it is possible within the money available to do so, we shall do so.

राष्ट्रगान "वन्दे मातरम्"

*१७२८. **श्री प्रकाश वीर शास्त्री :** क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या राष्ट्रगान "वन्दे मातरम्" की कोई धुन निकाली गई है ;

(ख) यदि हां, तो वर्ष में कितने राष्ट्रीय त्यौहारों पर यह धुन बजाई जाती है ; और

(ग) क्या गणतन्त्र दिवस और स्वतन्त्रता दिवस के अवसर पर "वन्दे मातरम्" को उचित महत्व दिया जाता है ?

गृह-कार्य मंत्री (श्री गो० ब० पन्त) : (क) से (ग). आल इण्डिया रेडियो द्वारा एक ऐसी धुन निकालने के परीक्षण किये गये हैं और किये जा रहे हैं, जो कि अधिकतम मान्यता पा सकें। आल इण्डिया रेडियो द्वारा इस विषय में विशेष निर्देश जारी किये गये हैं कि राष्ट्रगान "वन्दे मातरम्" जैसा कि वह प्राप्त हो, प्रत्येक वर्ष १५ अगस्त और २६ जनवरी के प्रथम प्रसार में अनुसूचित किया जाय। आल इण्डिया रेडियो के सारे केन्द्रों में ऐसा कुछ किया जा रहा है।

श्री प्रकाश वीर शास्त्री : जब भारतीय संविधान को लागू हुए लगभग दस वर्ष व्यतीत होने जा रहे हैं और अभी तक वन्दे मातर : राष्ट्र गीत की कोई धुन नहीं निकल पाई तो क्या मैं जान सकता हूं कि यह राष्ट्र गीत के प्रति उपेक्षा भाव नहीं है ?

श्री गो० ब० पन्त : जी नहीं, ऐसा समझना बिल्कुल गलत है। वन्दे मातरम् गान के लिये हम सब में उतना ही आदर और प्रेम है जितना किसी व्यक्ति में हो सकता है। इसकी एक धुन निकालने के बहुत से प्रयत्न किये गये हैं। पहले पंडित रवि शंकर को रक्खा गया, फिर एक दूसरे साहब को रक्खा गया, फिर तीसरे साहब को रक्खा गया। मगर जो भी ट्यून इन लोगों द्वारा निकाली गई, वह सब को ठीक नहीं लगी। उन के बारे में मतभेद होता रहा। अब भी इस का प्रयत्न हो रहा है और एक छोटी सी कमेटी इस को देख रही है कि ऐसी कोई ट्यून निकल सके जो सब को एक साथ पसन्द हो।

Shri H. N. Mukerjee: In view of the fact that the Vande Matram song was sung first of all in the Congress session a long time ago by Rabindranath Tagore himself according to a tune to which he had set that anthem and in view of the fact that that particular tune is more amenable to community singing than many of the rather complicated tunes which one hears from time to time, may I know whether Government will give special consideration to this tune which is associated also with Rabindranath Tagore?

Shri G. B. Pant: The Shantiniketan Troupe of Calcutta have also considered this question. I presume they had before them the tune in which this national song was recited or sung by Ravi Babu. But I do not exactly know why even that was not considered to be quite satisfactory. I myself am not an expert in this line.

Shrimati Renu Chakravartty: My question is almost similar to this. I only want to know as to what is the Government's opinion. Shanti Niketan has been approached to find that out. We would like to know if Government have impressed upon the All India Radio to consider that particular rendering which was made by Rabindranath Tagore. Also, later on in many sessions, the 1928 and 1929 sessions, this was sung by eminent people like Sarla Devi Chaudhurani according to this particular rendering.

Shri G. B. Pant: I presume they have done so. Shri Panna Lal Ghosh was also asked to standardise the tune, I understand. As I just now said, the Shantiniketan Troupe, Calcutta, were also requested to help in the matter. I shall convey the suggestion in case it has not yet come to the notice of the hon. Minister of Information and Broadcasting.

Shri D. C. Sharma: May I know if it is not a fact that Shri Vishnu Digambar, the great musician, set this song to a particular tune which was capable of being sung as a community song? If so, has any investigation been made to get hold of that tune?

Mr. Speaker: The same question is asked in another form.

Shri G. B. Pant: I think all relevant material must have been examined by those who were requested to standardise the tune.

Mr. Speaker: Hon. Members, if they are interested in music, will form into a small committee and then send suggestions.

Shri G. B. Pant: Yes. That will be welcome. I really think that such advice should be welcome.

श्री प्रकाशवीर शास्त्री : मैं माननीय गृह-मंत्री जी से यह निवेदन करना चाहता हूं कि जब तक बन्दे मातरम् राष्ट्र गीत की कोई सर्वमान्य धुन नहीं मिलती तब तक क्या यह उपयुक्त न होगा कि कम से कम २६ जनवरी और १५ अगस्त जैसे प्रमुख राष्ट्रीय पर्वों पर किसी न किसी रूप में जो भी धुन अब तक सरकार को मिल पाई हो उस में बन्दे मातरम् राष्ट्र गीत का गान अवश्य होना चाहिये ।

श्री गो० ब० पन्त : मैंने कहा कि रेडियो पर सब से पहले २६ जनवरी और १५ अगस्त को बन्दे मातरम् गान गाया जाता है ।

श्री प्रकाश वीर शास्त्री : मेरा अभिप्राय केवल आकाशवाणी से नहीं है, बल्कि राष्ट्रपति भवन के सामने जो कार्यक्रम होते हैं अथवा लाल किले पर जो कार्यक्रम होते हैं उन में बन्दे मातरम् गान होना चाहिये, ऐसा मेरा अभिप्राय है ।

श्री गो० ब० पन्त : जहां इस तरह के कार्यक्रम सरकारी ढंग के होते हैं उन में जो नैशनल ऐन्थम होता है उस को गाना पड़ता है । अगर इस को आप नैशनल ऐन्थन मानें तो फिर उस को ऐसे मौकों पर बगैर उपयोग किये हुए छोड़ा नहीं जा सकता । यह सारे देशों और राष्ट्रों की बात है ।

Shri P. C. Borooah: May I ask one question?

Mr. Speaker: Next question. Shri Borooah.

Shrimati Renuka Ray: I want to ask one question.

Mr. Speaker: I have passed on to the next question. The hon. Member is a songstress herself.

Shrimati Renuka Ray: Not at all. I want to ask just one question. When the tune of the national anthem *jana Gana Mana* was not changed what was the particular reason that the question of changing the tune of *Vande Matram*, which has been there for a long time and which was used so long, had arisen?

Shri G. B. Pant: We owe *Jana Gana Mana* to Maharshi Rabindranath Tagore. He was the author of both these songs.

Some Hon. Members: No, no..... (*Interruption*).

Shri G. B. Pant: I am sorry..... (*Interruption*).

Shrimati Renuka Ray: He only gave that tune.... (*Interruption*).

Mr. Speaker: The hon. Minister is sorry. What he means to say is that he sang both the songs.

Shri G. B. Pant: One was by Bankim Babu and the other was by Ravi Babu. One was older than the other. But after examining the position, the Constituent Assembly adopted that *Jana Gana Mana* as the national anthem. I think those who are acquainted with music will perhaps concede that it is easier to standardise the tune of *Jana Gana Mana* than of *Vande Matram*.

Shri P. C. Borooah: The hon. Minister was just now saying that a committee has been appointed to find out a suitable tune for *Vande Matram*. May I know when this committee was formed and who are its personnel?

Shri G. B. Pant The committee is, I think, a sort of an informal com-

mittee. At present it consists of Shrimati Indira Gandhi and Shri N. S. Hardikar. They have been requested to look into this matter.

Dr. M. S. Aney: May I ask one question?

Shri P. C. Borooah: Do Government propose to form.....

Mr. Speaker: Dr. Aney.

Dr. M. S. Aney: Who has decided that the present tune of *Vande Mataram* is not suitable?

Shri G. B. Pant: No one has decided. Every one is free to use any tune he likes. No one is forced to adopt a particular tune, but some people want that there should be a standardised tune, and attempts are being made to standardise the tune. There is no restriction at all.

Distribution of Land to Harijans in Delhi

*1729. **Shri P. C. Borooah:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether the Delhi Administration has any scheme to the effect that the common land within the village limits should be distributed to Scheduled Castes; and

(b) if so, the nature thereof?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) and (b). No, Sir; but the Delhi Administration have a scheme for the provision of house sites to the Harijans of 96 villages near Delhi where consolidation was done in the past but no land was reserved for the extension of population. Under this scheme each family of Harijans in these villages will be given 125 sq. yds. of land for residential purposes.

Shri P. C. Borooah: May I know if the Government is aware that the Delhi Rural District Congress Committee has drawn the attention of the Delhi Administration to the fact that Harijans are finding great difficulties in having their permanent abode in the rural areas of Delhi?

Shrimati Alva: There might have been a representation, I am not aware of that, but the Delhi Administration is having a scheme by which 125 sq. yards would be given to each Harijan family in the 96 villages selected.

श्री नवल प्रभाकर : आपने अभी बताया कि ९६ गांवों में जमीन एक्वायर करके हरिजनों को दी जाएगी, क्या मैं जान सकता हूं कि अब तक कितने गांवों में जमीन प्राप्त कर ली गई है और हरिजनों को दी गई है ?

Shrimati Alva: Consolidation was done in the past in these villages under the consideration of the Delhi Administration, and in these villages the scheme would be implemented after it is fully examined.

श्री नवल प्रभाकर : मेरा प्रश्न यह था कि जब चकबन्दी हुई तो जिन गांवों में चकबन्दी हुई उनमें तो हरिजनों के लिए जमीन छोड़ दी गई, लेकिन ९६ गांव ऐसे हैं कि जिनमें चकबन्दी नहीं हुई थी। उन गांवों के लिए सरकार ने यह तै किया था कि इन गांवों में जमीन एक्वायर करके हरिजनों को दी जाएगी। मैं यह जानना चाहता हूं कि इन ९६ गांवों में अब तक कितनी जमीन एक्वायर की जा चुकी है और उसमें से कितने हरिजनों को दी जा चुकी है।

Shrimati Alva: The consolidation part is over in all these villages, and now we are considering distributing land to the Harijans. I do not know what the hon. Member wants further.

Shri B. K. Gaikwad: May I know the actual acreage of such land available which Government is going to give to the Scheduled Caste people, and how much land will be given to each family?

Shrimati Alva: Per family 125 sq. yards.

Shri B. K. Gaikwad: I have not followed.

Mr. Speaker: She says 125 sq. yards will be given to each family. As for the total land available, she did not answer it.

The Minister of Home Affairs (Shri G. B. Pant): This land is to be given for building sites, and Government is acquiring the land. So far as other waste land or other land that may be obtained hereafter by virtue of the fixing of the ceiling or otherwise is concerned, that will be dealt with separately, that is not covered by this. Government have introduced a scheme to enable the Harijans to have at least their own building sites, and for that land is being acquired.

Shrimati Renuka Ray: Will this be a separate scheme where land is given only to the Harijans, or will it be part of a composite scheme? Will segregation be accentuated by having a separate secheme only for Scheduled Castes, or will it be a composite scheme for all citizens where Scheduled Castes are given a large number of plots?

Shri G. B. Pant: Segregation would not necessarily be encouraged thereby but the scheme is confined to Harijans only.

Shri Tyagi: Will any consideration be given to those families that are poor and landless, belonging to castes other than the Scheduled Castes?

Shri G. B. Pant: Not as part of this scheme.

Shri Tyagi: But is there any plan to rehabilitate them, and to give them a piece of land for building houses?

Shri G. B. Pant: There are schemes for enabling middle class people and others to build houses. So far as this particular scheme is concerned, it is to be financed out of the grant which has been made by Parliament for Harijans.

Shri P. S. Daulta: At what rate is Government going to pay the peasants whose land is to be acquired?

Shri G. B. Pant: Reasonable rate.

Shri P. S. Daulta: Will it be market value or what?

Shri G. B. Pant: That will depend on the amount that is assessed by the authorities.

Appointment of a Commission for Scheduled Areas and Scheduled Tribes

*1730. **Shri Sanganna:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that a proposal to appoint a Commission under Article 339 of the Constitution of India to report on the administration of Scheduled areas and the welfare of Scheduled Tribes in the States is under consideration of Government;

(b) if so, what are the terms of reference; and

(c) the names of members of the Commission?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) Yes, Sir.

(b) and (c). The terms of reference and the composition of the Commission are under consideration and will be published in the Gazette of India as soon as a final decision is taken.

Shri Sanganna: May I know when the commission is expected to make the final report?

Shrimati Alva: Very soon.

Shri Sanganna: May I know whether the socio-economic programmes of the Scheduled Tribes for the Third Plan will depend upon the recommendations of this commission?

Shrimati Alva: That does not arise out of this question.

Shri B. K. Gaikwad: What will be the qualifications to become a member of this commission, and how long it will take to make its report?

Mr. Speaker: The commission is already there, and it will report soon. That is what she said.

The Minister of Home Affairs (Shri G. B. Pant): People who belong to the Scheduled Tribes or who have

been working among them mostly will be members of this commission.

Shri Braj Raj Singh: Is it a fact that it has been decided by the Government that Shri U. N. Dhebar, former Congress President, will be made the Chairman of this commission?

Shri G. B. Pant: Yes, Sir.

अनुशासन समिति

*१७३१. **श्री भक्त दर्शन :** क्या **शिक्षा** मंत्री ११ फरवरी, १९६० के तारांकित प्रश्न संख्या ८५ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) विश्वविद्यालयों के छात्रों में अनुशासनहीनता की समस्या का अध्ययन करने वाली समिति की जो पिोर्ट अप्रैल, में मिलने वाली थी, क्या वह इस बीच प्राप्त हो गई है ;

(ख) यदि हां, तो क्या उस रिपोर्ट की एक प्रति सभा-पटल पर रखी जायेगी; और

(ग) उस समिति की सिफारिशों को कार्यान्वित करने के लिये क्या कार्यवाही की जा रही है ?

शिक्षा मंत्री (डा० का० ला० श्रीमाली) (क) जी, नहीं ।

(ख) और (ग) . प्रश्न नहीं उठता ।

श्री भक्त दर्शन : पिछले प्रश्न के उत्तर में बताया गया था कि अप्रैल में रिपोर्ट मिल जाएगी, फिर देरी क्यों हो रही है ?

डा० का० ला० श्रीमाली : यही आशा थी कि अप्रैल तक रिपोर्ट आ जाएगी लेकिन कमेटी अपना काम समाप्त नहीं कर सकी । आशा की जाती है कि वह निकट भविष्य में अपनी रिपोर्ट दे देगी ।

श्री भक्त दर्शन : जब कि यह इतने महत्व का प्रश्न है और बहुत से विश्वविद्यालयों का काम ठप्प हो रहा है, तो फिर इस काम में इतनी देरी क्यों हो रही है और उसको जल्दी क्यों नहीं दिया जाता ?

डा० का० ला० श्रीमाली : विश्व विद्यालयों का काम तो रुका नहीं है, उनका काम तो बराबर चलता रहा है । यह कमेटी चाहती थी कि इस मामले में काफी गहराई से जांच की जाए । इसलिए उसने ऐसे विश्वविद्यालयों को जा कर देखा जहां अनुशासनहीनता है और ऐसे विश्वविद्यालयों को भी जा कर देखना चाहती है जहां अनुशासन अच्छा है, ताकि इस प्रश्न पर गहराई से विचार किया जा सके ।

Shri Hem Barua: In view of the fact that the causes of student indiscipline often spring from sartorial abuses, like Venuses being scantily attired, as in the recent Delhi University incident, may I know whether Government propose to introduce uniforms in universities to maintain discipline?

Dr. K. L. Shrimali: I have already said that the committee has not yet submitted its report. All these matters will be considered only after the committee has submitted its report.

डा० का० ला० श्रीमाली : हमारे विश्वविद्यालय एक प्रकार से शिक्षा के मंदिर हैं और उनमें जो यह अनुशासनहीनता व्याप्त होती चली जा रही है, यह सारे देश के लिये चिन्ता का विषय है । तो क्या यह उपयुक्त नहीं होगा कि संसद् के सभी दलों से सम्बन्धित सदस्यों का एक इस प्रकार का शिष्टमंडल बनाया जाए जो विश्वविद्यालयों का भ्रमण करे और उनको परामर्श दे जिससे इस प्रकार की अनुशासनहीनता कम हो सके ?

डा० का० ला० श्रीमाली : अनुशासनहीनता अवश्य है विद्यार्थियों में लेकिन मेरे खयाल से उसको बहुत बढा कर नहीं

समझना चाहिये । कुछ ऐसे विश्वविद्याल हैं, कुछ क्षेत्र ऐसे हैं जहां यह अनुशासन"-हीनता ज्यादा रहती है । जहां तक माननीय सदस्य के सुझाव का सवाल है, उस पर विचार किया जाएगा, वह तो एक सजेशन फार एक्शन है ।

श्री बुलाकी राय : यह जो विद्यार्थियों में अनुशासनहीनता बढ़ती जा रही है, क्या इसका मुख्य कारण यह है कि इन संस्थाओं के जो प्रबन्धक हैं उनमें अनुशासनहीनता बढ़ रही है ?

डा० का० ला० श्रीमाली : सही बात तो यह है कि विद्यार्थियों में अनुशासनहीनता इसलिये है कि हम लोगों में खुद में अनुशासनहीनता है ।

Development Loan Fund

*1732. **Shri Damani:** Will the Minister of **Finance** be pleased to refer to the reply given to Starred Question No. 75 on the 11th February, 1960 and state:

(a) whether negotiations for loan from U.S.A. Development Loan Fund have since been concluded; and

(b) if so, the details of the agreement concluded?

The Deputy Minister of Finance (Shri B. R. Bhagat): (a) and (b). The negotiations have not yet been concluded.

Shri Damani: May I know how much more time will be taken to conclude these negotiations?

Shri B. R. Bhagat: We hope to conclude it very soon.

Shri Damani: May I know the details of the projects for which Government are intending to utilise the loans from this Development Loan Fund?

Shri B. R. Bhagat: That is precisely what is being discussed, namely the projects. Before it is finalised, I am not in a position to indicate what would be the projects.

Shri Vidya Charan Shukla: May I know whether it is a fact that a new clause is sought to be added in these negotiations that henceforth all the funds made available from the Development Loan Fund will be used for purchases in U.S.A.?

Shri B. R. Bhagat: The emphasis is being laid that primarily it would be for goods and services in U.S.A., not all, but primarily.

Shri Vidya Charan Shukla: Is it a fact that previously these loans from the Development Loan Fund were free from any such consideration or any such conditions?

Shri B. R. Bhagat: That is true.

Shri C. D. Pande: May I know whether Government are going to propose to other creditor Governments such as those of the U.S.S.R., Poland and Czechoslovakia to make their funds available for purchases in other countries, that is, in whichever countries we can get capital goods at the cheapest rate?

Shri B. R. Bhagat: No; so far as the countries whose names have been mentioned by the hon. Member are concerned, their assistance is all restricted to purchases inside the country itself.

Shri C. D. Pande: Then, why should U.S.A. alone be asked to do so?

Shri B. R. Bhagat: We are not asking the U.S.A. to do that. It is for the aid giving countries to decide.

The Minister of Finance (Shri Morarji Desai): We can ask those who are amenable; we cannot ask those who are not amenable.

Shri Sadhan Gupta: May I know whether Government are trying to get as much of capital goods for our industrialisation, as possible out of the DLF fund, rather than other goods?

Shri B. R. Bhagat: They are primarily for capital goods, and they are

all related to the priority projects in our plans.

Shri Chintamoni Panigrahi: May I know whether it is a fact that loans from the DLF vary in the rate of interest as between the private businessmen and the public sector, and if so, whether the Government of India propose to have a uniform rate of interest for the loans made available from the DLF to both the private and public sectors?

Shri B. R. Bhagat: I believe the hon. Member means different rates of interest for different persons. That is not so. The rate of interest is different for different types of projects. It bears a lower rate of interest, if the project is a public utility project, and if it is an industrial project, then the rate of interest is somewhat higher. It does not vary from person to person but it varies with the type of projects.

मध्य प्रदेश में विधान परिषद्

*१७३२-क. **श्री राधेलाल व्यास :** क्या विधि मंत्री यह बताने की कृपा करेंगे कि :

(क) मध्य प्रदेश के पुनर्गठन के पश्चात् इस राज्य में विधान परिषद् क्यों नहीं बनाई गई ; और

(ख) विधान परिषद् कब तक बनाई जायेगी ?

विधि उपमंत्री (श्री हजरनवीस) : (क) और (ख). राज्य सरकार ने यह सूचना दी है कि राज्य विधान सभा के सदस्यों की आम राय इस राज्य में विधान परिषद् की स्थापना के विरुद्ध है। इसलिये इस राज्य में विधान परिषद् कायम करने का विचार नहीं है ।

श्री राधे लाल व्यास : मध्य प्रदेश राज्य में जो राज्य सम्मिलित किए गए, उन राज्यों की धारा सभाओं में यह मांग की गई थी कि नए मध्य प्रदेश राज्य में विधान परिषद् कायम की जाये। तो जब राज्यों की विधान सभाओं के द्वारा यह प्रस्ताव पास हुआ था और संसद् ने भी उसे मन्जूर किया था, तो मैं यह जानना चाहता हूं कि क्या उस के बाद नए राज्य, मध्य प्रदेश, की विधान सभा द्वारा कोई ऐसा प्रस्ताव पास किया गया है, जो पहले प्रस्ताव को रद्द कर देता है ?

श्री हजरनवीस : मुझे यह तो मालूम नहीं है कि विधान सभा ने किसी तरह का प्रस्ताव पास किया है या नहीं, लेकिन वहां के मुख्य मंत्री ने इस बारे में मुझे जो लिखा है, वह मैं माननीय सदस्य को पढ़ कर सुना देता हूं :—

"As for the question of the constitution of a Legislative Council in M.P., this matter was raised and fully discussed in meetings of the Congress Legislative Party of M.P. several times. There was overwhelming opinion that it is not necessary to have a Legislative Council as that will prove an expensive proposition, and the funds thereby saved can be applied usefully elsewhere. So far as I know, M.L.A.'s and other non-Congressmen also shared this opinion.".

श्री राधे लाल व्यास : यह पत्र किस तारीख का है ?

श्री हजरनवीस : यह है १६ अप्रैल, १९६० का ।

श्री राधेलाल व्यास : मैं यह जानना चाहता हूं कि क्या केन्द्रीय सरकार के द्वारा राज्य सरकार को यह सलाह दी गई है कि यदि वह नहीं चाहते हैं, तो विधिवत् कार्यवाही कर के और धारा सभा से प्रस्ताव पास करा के भेजें। क्या यह सही नहीं है कि जब तक धारा सभा में ऐसा प्रस्ताव पास नहीं होता है, तब तक संविधान में यह आवश्यक रखा गया है कि वहां पर विधान परिषद्

कायम की जाये और उस को कायम किया जाना चाहिये ?

श्री हजरनवीस : धारा सभा का प्रस्ताव पास होना खास जरूरी नहीं है । जैसा कि माननीय सदस्य जानते हैं, सैवन्थ अमेंडमेंट में यह कहा गया है कि जब प्रेजिडेंट नोटिफ़ाई करेंगे, उसी वक्त लैजिस्लेटिव कौंसिल कायम होगी । आर्टिकल १६६ कहता है कि अगर लेजिस्लेटिव कौंसिल कायम हुई थी और अगर उस को एबालिश करना जरूरी है, तो उस वक्त प्रस्ताव पास करने की जरूरत है, लेकिन लैजिस्लेटिव कौंसिल कायम करने के लिये किसी धारा सभा के प्रस्ताव की जरूरत नहीं है ।

श्री राधेलाल व्यास : शायद माननीय मन्त्री जी को यह मालूम नहीं है कि संविधान के द्वारा वह कायम की जा चुकी है । सिर्फ उसमें अमल होना है । जब कायम किया जाना स्वीकार किया गया है, तो क्या वह रद्द हो सकता है बगैर प्रस्ताव पास किए ?

अध्यक्ष महोदय : इनके हाथ में क्या है ?

श्री हजरनवीस : मेरे पास सैवन्थ अमेंडमेंट भी है । मेरे पास कांस्टीच्यूशन भी है । मेरे पास रिप्रेजेन्टेशन आफ़ दि पीपल्ज़ एक्ट का सैक्शन ३३ भी है, जिसमें यह कहा गया है—

"After the notification has been issued, the Legislative Council shall be established."

श्री प्रकाश वीर शास्त्री : क्या मैं जान सकता हूं कि जब भारत में इस प्रकार के भी प्रान्त हैं, जिन में विधान परिषद् नहीं हैं और उन का कार्य भी सुचारु रूप से चल रहा है, तो यह विधान परिषदों का बोझ इस ग़रीब देश पर क्यों लादा जा रहा है ?

श्री ब्रज राज सिंह : काम देना है लोगों को ।

एक माननीय सदस्य : इन को एबालिश कर दिया जाये ।

Mr. Speaker: It is an argument. Next question.

341 (Ai) L.S.D.—2.

Life Insurance Corporation

***1733. Shri Anirudh Sinha:** Will the Minister of **Finance** be pleased to state:

(a) whether it is a fact that seniority list of the officers of the Life Insurance Corporation has been published;

(b) if so, whether a copy of the list will be laid on the Table;

(c) whether the seniority has been determined strictly in accordance with the seniority list determined by Lall Committee; and

(d) if not, the reasons therefor?

The Deputy Minister of Finance (Shrimati Tarkeshwari Sinha): (a) Seniority lists of the officers of the Life Insurance Corporation in the cadres of Assistant Divisional Managers and above have been published.

(b) A copy of the published Seniority Lists is laid on the Table of the House.

(c) and (d). A statement is laid on the Table of the House. [*See* Appendix IV, annexure No. 75].

Shri Anirudh Sinha: Since the date of the nationalisation of the insurance industry, some four committees had been constituted to determine the seniority of officers of the L.I.C., namely the Shah Committee, the Lall Committee (twice) and the Senior Services Committee. I want to know in what respect the terms of reference of one committee differed from the terms of reference of the other, and what principles were followed in determining this seniority finally?

Shrimati Tarkeshwari Sinha: These seniority lists have been more or less on the recommendation of the Lall Committee. The Senior Services Committee which came into existence afterwards—it was Government which asked the L.I.C. to form that committee—looked into the questions which were not covered by the Lall Committee. So, there has been no duplication, and most of the recommendations have been arrived at after getting the recommendations of both these committees.

Shri Anirudh Sinha: May I know what principles were followed by the Senior Services Committee in modifying the list given by the Lall Committee, and in how many cases did the Senior Services Committee differ from the recommendations of the Lall Committee?

Shrimati Tarkeshwari Sinha: What all general principles were followed by the Lall Committee were taken into consideration by the Senior Services Committee also. The Lall Committee received applications from 3,518 persons, and they recommended 557 persons out of a total of 3,518. They interviewed nearly 1,158 people.

Mr. Speaker: The hon. Member does not want all that. All that he wants to know is this. What are the general principles which the other services committee had before them which were not there before the Lall Committee? On what grounds did this other committee interfere and give their recommendations?

Shrimati Tarkeshwari Sinha: The Senior Services Committee went into the questions of the people who were not considered by the Lall Committee, because the Lall Committee considered the applications of the people up to the end of 1955 only. They submitted their report in June, 1957. Thereafter, the Senior Services Committee took up the question of the people who came after that period.

Shri Tangamani: It is stated that the committee could not assess with exactitude the merits of officers as they did not have confidential reports. May I know whether the Senior Services Committee which went into it had those confidential reports which were not available for the Lall Committee?

12 hrs.

Shrimati Tarkeshwari Sinha: The Lal Committee's report was certainly available to them. But this report has been kept as a confidential document and it cannot really be given to the public. But it was certainly before the later Committee.

Shri Anirudh Sinha: Does the Minister mean to say that the recommendations of the Lall Committee were ignored by the Senior Services Committee?

The Minister of Finance (Shri Morarji Desai): Some departures were made, as laid down here in the Statement laid on the Table. The Lall Committee could not take into account certain factors which are counted as four in the statement laid on the Table. On account of that, some changes were made.

Shri Tangamani: Were those four factors available to the subsequent Committee?

Shri Morarji Desai: Yes.

Shri Sampath: It is stated in the statement that the confidential reports never existed and the Committee lacked this essential material. I want to know how the Government offset this defect later.

Shri Morarji Desai: Government had not to offset anything. It was the Corporation which had to offset it. The Corporation went into the merits of the people generally, that is, those who appealed. There are about 105 appeals. They went into those cases.

Shri Anirudh Sinha: May I know whether it is a fact that two lists of seniority have been drawn up—one on the development side and the other on the administrative side? If so, what are the principles which have been followed in determining the seniority of these officers?

Shrimati Tarkeshwari Sinha: Government made it clear that the *inter se* seniority of officers in each panel should be according to the Lall Committee's ranking. If any appeals or representations against the gradations were received by the L.I.C., they must be referred to Government for their approval.

SHORT NOTICE QUESTION

Civil Accounts Association, Assam

S.N.Q. No. 14. Shri Hem Barua: Will the Minister of Finance be pleased to state:

(a) whether it is a fact that Government have withdrawn recognition accorded to the Civil Accounts Association, Assam, of the office of the Accountant General, Assam, recently; and

(b) if so, the reasons therefor?

The Minister of Finance (Shri Morarji Desai): (a) Yes, Sir.

(b) For violating the terms and conditions of its recognition.

Shri Hem Barua: May I know what are the terms and conditions they had violated?

Shri Morarji Desai: The latest violation was that they made a very unseemly demonstration in the office itself.

Shri Hem Barua: Is it not a fact that this Association after exhausting all channels of representation like resolutions, correspondence and deputations went on a no-work-day strike on 18th September, 1959, and this withdrawal of recognition and victimisation has come as an aftermath of that?

Shri Morarji Desai: That is not true. On the 18th September, the Association sent a resolution to the Accountant-General at 11 a.m. saying that they will see him at 1-40 p.m. in this connection. The Accountant-General told them that it was not possible for him to see them without their asking him for a convenient time which was to be fixed, and he was prepared to see their deputation at a convenient time fixed. In spite of this intimation, these people—about 400—surrounded the Accountant-General at 1-40 p.m. and this continued for five hours. If this was not unseemly I do not know what is unseemly.

Shri Tyagi: It is because Government are not dealing with a strong hand.

Shri S. M. Banerjee: May I know whether it is a fact that there was some compromise reached between the Accountant-General and the Association, one of the terms of which was that there would be no victimisation? If so, why was that term violated and recognition withdrawn?

Shri Morarji Desai: There has been no victimisation whatsoever.

Shri Hem Barua: May I know whether after withdrawal of the recognition, there has been a series of reprisals on the workers, and a notice has been served by the Accountant-General on the Chairman of the Mutual Benefit Fund Limited with which the Association's money is deposited, not to allow the Association to withdraw the money? Secondly, is it a fact that the Government grants in aid for recreational purposes earmarked for the budget year 1959-60 are not being disbursed to the Secretary of the Association and it lies in the hands of the Accountant-General?

Shri Morarji Desai: I do not know the latest position in regard to this matter. But when the Association is not recognised, how is the Secretary to be recognised and how is money to be given?

Shri Hem Barua: My first question, whether notice has been served on the Chairman of the Mutual Benefit Fund Limited not to allow the Association to withdraw its money, has not been answered.

Shri Morarji Desai: I do not know about that.

Shri S. M. Banerjee: I want to know whether the present Association which lost recognition has made any representation to the Ministry or to the Auditor-General? If so, would Government reconsider their decision and restore recognition?

Shri Morarji Desai: If they express regret, I am quite sure the Comptroller and Auditor-General will consider the facts. I do not know about it.

Shri Hem Barua: Is it not a fact that this Association has been enjoying recognition since 1924? For this

incident—which is not an incident from our point of view—why should there be reprisal of this sort—withdrawal of recognition, denial of legitimate trade union rights to these workers?

Shri Morarji Desai: It would be wrong to call it reprisal. It is firm action which is very necessary.

WRITTEN ANSWERS TO QUESTIONS

Lazars and Lazzarones in Delhi

*1734. **Shri Radha Raman:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether Government are aware of the increasing lazars and lazzarones swarming up in Old and New Delhi areas;

(b) if so, what is their number; and

(c) what steps Government are taking towards the solution of the lazar and lazzarones problem?

The Minister of Home Affairs (Shri G. B. Pant): (a) Leprosy is not endemic in Delhi. The majority of lepers come from other parts for begging.

(b) Five hundred approximately.

(c) The question of extending the provisions of the Lepers Act of 1898 to Delhi is under active consideration. The Delhi Municipal Corporation are maintaining a Leprosy Home at Shahdara and have decided to convert it into a full-fledged Leper Asylum at a cost of about Rs. 18 lakhs. Provision for an expenditure of Rs. 5 lakhs for this purpose has been made in their budget for the current year.

Bhilai Steel Plant

*1735. **Shri S. M. Banerjee:**
Shri Jagdish Awasthi:

Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) whether a Committee consisting of three Government Officials conducted an inquiry into the management relations at Bhilai Steel Plant;

(b) if so, what were the specific matters which were investigated by this Committee;

(c) who were the members of this Committee; and

(d) whether the Committee has submitted its report?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) to (d). No Committee consisting of Government Officials conducted any inquiry into the management relations at Bhilai Steel Plant. But after the disturbances in Bhilai on the 17th and 18th of February last, certain officials of Government visited Bhilai as a matter of routine internal administration to study and assess the situation.

Liability of State in Torts

*1735-A. **Shri Shree Narayan Das:** Will the Minister of **Law** be pleased to state:

(a) whether it is a fact that the Allahabad High Court has recently observed that the view that Government was not suable for the tortious acts of its employees no longer seemed to accord with the current constitutional reality in the country;

(b) whether the judgment has also observed that this question now merits early attention of the Legislative organ of the Government; and

(c) if so, the reaction of Government in this regard?

The Deputy Minister of Law (Shri Hajarnavis): (a) and (b). If the reference is to the judgment of the Allahabad High Court in the Dominion of India *Vs* Anirudh Dotiyal (F.A. No. 284 of 1951), no such observations as are alleged have been made therein.

(c) Does not arise.

Incidence of Suicide in Delhi

***1736. Shri N. R. Muniswamy:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that there is a sudden rise in the incidence of suicide in Delhi ranging between two to four suicides a week since the beginning of this year;

(b) if so, the reasons therefor;

(c) what are the modes of suicide; and

(d) whether Government propose to enquire into the social and economic causes by appointing a Committee consisting of sociologists and psychiatrists?

The Minister of Home Affairs (Shri G. B. Pant): (a) No. The figures show a downward trend.

(b) Does not arise.

(c) The method commonly adopted is swallowing acid, setting oneself on fire, taking poison, jumping into a well or river or from a high place and hanging.

(d) No such proposal is under consideration.

Free Education to Children of Teachers

***1737. Shrimati Renu Chakravartty: Shri Chintamoni Panigrahi:**

Will the Minister of **Education** be pleased to state:

(a) whether the recommendation to give facilities of free school education to the children of primary and secondary school teachers has been considered by the All India Central Council for Secondary Education;

(b) whether any States have implemented it; and

(c) what is Government's reaction to this demand?

The Minister of Education (Dr. K. L. Shrimali): (a) No, Sir.

(b) Does not arise.

(c) Matter is under consideration.

निकोबार द्वीप समूह में प्रवेश

***१७३८. डा० राम सुभग सिंह :** क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि निकोबर द्वीप समूह में जाने के लिये पोर्ट ब्लेयर के डिप्टी कमिश्नर की अनुमति लेनी पड़ती है ;

(ख) क्या यह भी सच है कि यह व्यवस्था होने पर भी निकोबर द्वीप समूह में कुछ ऐसे व्यक्ति पाये गये हैं, जो वहां बिना अनुमति प्राप्त किये ही गये हैं ;

(ग) ऐसे व्यक्तियों की संख्या क्या है; और

(घ) ये लोग वहां कैसे पहुंचे ?

गृह-कार्य मंत्री (श्री गो० ब० पन्त) : (क) अन्दमान और निकोबर द्वीप (आदिम जातियों के संरक्षण) अधिनियम, १९५६ के अधीन निकोबर द्वीप के एक आरक्षित क्षेत्र में जाने के इच्छुक प्रत्येक व्यक्ति को डिप्टी कमिश्नर अन्दमान और निकोबार द्वीप द्वारा जारी किया जाने वाला एक पास प्राप्त करना होता है ।

(ख) जी हां ।

(ग) ५३ । इन में से १० लोक निर्माण विभाग के कर्मचारी, १३ सर्वश्री आर० अकूजी जडवाट एण्ड कम्पनी के, और अन्य २० कार निकोबर ट्रेडिंग कम्पनी और नानकोवरी ट्रेडिंग कम्पनी के कर्मचारी थे ।

(घ) उनमें से कुछ समुद्र के रास्ते और कुछ हवाई रास्ते से वहां पहुंचे ।

Manufacture of Cars in Hindustan Aircraft Ltd., Bangalore

*1739. **Shri Tangamani:**
Shri S. R. Arumugham:
Shri Dharmalingam:
Shri Ganapathy:
Shri Thanulingam Nadar:
Shri R. S. Arumugam:

Will the Minister of **Defence** be pleased to state:

(a) whether a motor car has been manufactured in the Hindustan Aircraft Limited, Bangalore;

(b) what is the cost of production; and

(c) whether Government would consider further manufacture of such cars in the Hindustan Aircraft Ltd.?

The Minister of Defence (Shri Krishna Menon): (a) to (c). Yes, Sir, a car has been designed and a prototype produced at Hindustan Aircraft Ltd. There are at present no proposals for the manufacture of cars in Hindustan Aircraft Ltd.

All India Services

*1740. **Shri Harish Chandra Mathur:** Will the Minister of **Home Affairs** be pleased to state what progress has been made in achieving inter-State ratio in respect of All India Services recommended by the States Reorganisation Commission?

The Minister of Home Affairs (Shri G. B. Pant): In the allotment of candidates to various I.A.S./I.P.S. cadres on the basis of the annual Competitive Examination, the principle of allotting 50 per cent 'outsiders' to each State Cadre, is kept in view.

हिन्दी की रचना के लिये साहित्य अकादमी का पुरस्कार

*१७४१. **श्रीमती मिनीमाता :** क्या वैज्ञानिक अनुसंधान और सांस्कृतिक कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि गत तीन वर्षों से साहित्य अकादमी के पुरस्कार हिन्दी में सृजनात्मक नहीं, अपितु आलोचनात्मक अथवा ऐतिहासिक रचनाओं पर ही दिये जा रहे हैं ;

(ख) क्या यह सच है कि इस वर्ष जिस हिन्दी ग्रन्थ को पुरस्कार दिया गया है, उसके लेखक स्वयं अकादमी के सदस्य हैं ; और

(ग) क्या उन्हें यह ज्ञात है कि अकादमी की पुरस्कार वितरण प्रणाली से लेखकों में गहरा असन्तोष है ?

वैज्ञानिक अनुसंधान और सांस्कृतिक कार्य मंत्री (श्री हुमायूं कबिर) : (क) हिन्दी में पुरस्कार उन किताबों पर दिये गये हैं जिनकी विषयवस्तु ऐतिहासिक या आलोचनात्मक है और दृष्टिकोण रचनात्मक है ।

(ख) वह जनरल कौंसिल के मेम्बर हैं लेकिन एक्जीक्यूटिव बोर्ड के नहीं हैं जो पुरस्कार के लिये किताबों का चुनाव करता है ।

(ग) जी, नहीं । परन्तु कुछ खास किताबों के बारे में समय समय पर आलोचनायें हुई हैं और अकादमी ने वर्तमान प्रणाली की जांच के लिये एक समिति नियुक्त की है ।

गोआ सीमा पर वायु-क्षेत्र का अतिक्रमण

*१७४२. **श्री सरजू पांडेय :** क्या प्रतिरक्षा मंत्री ६ फरवरी, १९६० के अतारांकित प्रश्न संख्या ११ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि गोआ सीमा पर वायु-क्षेत्र के अतिक्रमण सम्बन्धी जिन जटिलताओं का जो अध्ययन हो रहा था उसमें अब तक क्या प्रगति हुई है ?

प्रतिरक्षा मंत्री (श्री कृष्ण मेनन) : मामले की लगातार छानबीन होती रहती है । इससे अधिक सूचना देना लोकहित में नहीं है ।

Socio-Economic Survey

*1743. **Shri Achar:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether Government are undertaking a socio-economic survey of

about 500 villages as a part of the 1961 census;

(b) if so, the nature of information to be collected;

(c) whether any form has been prepared showing the heads under which the information is to be collected; and

(d) if so, whether it would be laid on the Table?

The Minister of Home Affairs (Shri G. B. Pant): (a) Yes.

(b) It is proposed to collect data to study information about the lay-out of the villages and various facilities and amenities available to the villagers such as educational, medical, communication, postal etc., and their social and cultural habits.

(c) The questionnaire for the proposed socio-economic survey will vary in matters of detail from State to State but a model questionnaire has been circulated to all States. The inquiry will largely adopt this model questionnaire.

(d) A copy of the model questionnaire is laid on the Table of the House. [*See* Appendix IV, annexure No. 76.]

Inclusion of Kannada Area in new Mysore State

*1744. { **Shri Agadi:** / **Shri Sugandhi:**

Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that agitation is going on for inclusion of Kannada area of Akkalakot, Sholapur and Mangalaved Taluks of Sholapur District, Bombay State in New Mysore State;

(b) if so, whether any representations were received on the subject; and

(c) the nature of the agitation?

The Minister of Home Affairs (Shri G. B. Pant): (a) and (c). The Bombay Government have stated that agitation has been going on for the inclusion of some Kannada-speaking areas of Sholapur District in the State of Mysore as also against their inclusion in that State.

(b) Yes.

हिमाचल प्रदेश का लोक निर्माण विभाग

*१७४५. श्री पद्म देव : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि हिमाचल प्रदेश के लोक निर्माण विभाग को केन्द्रीय लोक निर्माण विभाग में मिला दिया गया है ;

(ख) क्या इस बारे में हिमाचल प्रदेश मंत्रणा परिषद से परामर्श किया गया था ;

(ग) क्या उक्त निर्णय के विरुद्ध हिमाचल प्रदेश के लोक निर्माण विभाग के कर्मचारियों से केन्द्रीय सरकार को कोई अभ्यावेदन प्राप्त हुआ है, ; और

(घ) इस कार्यवाही का हिमाचल प्रदेश के लोक निर्माण विभाग के कर्मचारियों के भविष्य पर क्या प्रभाव पड़ेगा ?

गृह कार्य मंत्री (श्री गो० ब० पन्त) : एक विवरण पत्र सभा-पटल पर रख दिया गया है ।

विवरण

(क) हिमाचल प्रदेश का लोक निर्माण विभाग केन्द्रीय लोक निर्माण विभाग में मिलाया नहीं गया है किन्तु यह विभाग उपराज्यपाल के नियंत्रण के आधीन हिमाचल प्रदेश शासन का अब भी एक अभिन्न अंग है । केवल यह प्रस्ताव है कि इस विभाग के वर्तमान गजेटिड (gazetted) पदों को केन्द्रीय सेवाओं के संवर्ग में शामिल किया जाये । इस प्रकार इंजीनियरिंग पदों के लिये अफसर उपलब्ध करने की जिम्मेदारी केन्द्रीय सेवाओं पर आ जायेगी । इस तरह बहुत सी विकास योजनाओं को ठीक तरह से चालू करने में इस संघ क्षेत्र के इंजीनियरिंग अफसरों का नियमित रूप से आना जाना निश्चित हो जायेगा ।

(ख) हिमाचल प्रदेश की क्षेत्रीय परिषद् ने इस प्रबन्ध को स्वीकार कर लिया है और हिमाचल प्रदेश सलाहकार समिति से भी इस पर विचार विनिमय किया गया था ।

(ग) इस विषय पर कुछ अभ्यावेदन प्राप्त हुये हैं ।

(घ) वर्तमान अफसरों की परिलब्धि (emoluments) पर विपरीत प्रभाव नहीं पड़ेगा । इस योजना में केन्द्रीय इंजीनियरिंग सेवाओं में तरक्की के लिये हिमाचल प्रदेश के लिये एक अलग हिस्सा रक्खा गया है । यह हिस्सा उस क्षेत्र के केवल योग्यता प्राप्त ओवरसीयरों को प्राप्त हो सकेगा ।

Reserve Bank

*1746. **Shri Aurobindo Ghosal:** Will the Minister of **Finance** be pleased to state:

(a) whether any ceiling of money for emigres has been fixed by the Reserve Bank;

(b) if so, what is that ceiling; and

(c) the reasons therefor?

The Deputy Minister of Finance (Shri B. R. Bhagat): (a) Yes.

(b) Rs. 50,000 per family.

(c) The ceiling has been imposed in order to prevent large scale transfers of assets by Indian nationals who wish to settle abroad permanently.

Araniyar Project

*1747. **Shri Madhusudan Rao:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that Government of Madras have refused to hand over the main project head works of Araniyar project, in accordance with the Andhra Pradesh and Madras Alteration Act, 1959; and

(b) if so, the actual position prevailing at present?

The Minister of Home Affairs (Shri G. B. Pant): (a) and (b). The concerned Ministers of the States of Andhra Pradesh and Madras are expected to discuss the matter in the near future with a view to arrive at an agreed settlement.

Water Scarcity in Ongole

*1748. **Shri Narapa Reddy:**
Shri Rami Reddy:

Will the Minister of **Defence** be pleased to state:

(a) whether the Andhra Pradesh Government and the Municipal Council of Ongole in Andhra Pradesh have approached for army assisttance to tide over the water crisis in Ongole; and

(b) the action taken thereon?

The Parliamentary Secretary to the Minister of Defence (Shri Fatesinhrao Gaekwad): (a) Yes, Sir.

(b) Government of India have offered to the Government of Andhra Pradesh on payment about 40,000 running feet of tubing and 13 repairable pumps from Army stocks. The have been able to arrange to provide subject at the usual hire charges, 250 cylindrical tanks each of 405 gallons capacity, which can be fitted into civilian load carriers, for transport of water to the town. These offers have been communicated to the Chief Minister Andhra Pradesh and his reply is awaited.

'Kanpur I' Aircraft

*1749. **Shri P. K. Deo:** Will the Minister of **Defence** be pleased to state:

(a) whether a multipurpose aircraft "Kanpur I" has been produced by I.A.F. technicians and has been put to test flight;

(b) what is the result of its test flight and airworthiness; and

(c) the cost of manufacture of this plane?

The Minister of Defence (Shri Krishna Menon): (a) Yes, Sir. The prototype has been developed and tested.

(b) and (c). The aircraft is undergoing its extensive final tests. It is too early to indicate what the cost of

manufacture per aircraft will be eventually.

नये सिक्के

*१७५०. **श्री भोगजो भाई** : क्या **वित्त** मंत्री यह बताने की कृपा करेंगे कि :

(क) दशमिक प्रणाली के अन्तर्गत अब तक कितने नये सिक्के जारी किये जा चुके हैं और कितने पुराने सिक्के वापस लिये जा चुके हैं;

(ख) ५० और १०० नये पैसे के सिक्के कब तक जारी किये जायेंगे ;

(ग) क्या ५, १०, २५ नये पैसों के सिक्कों के बारे में यह शिकायतें मिली हैं कि ये घटिया धातु के बने होने के कारण ये फट गये हैं या पपड़ी उखड़ जाने से इन की आकृति खराब हो गई है; और

(घ) यदि हां, तो इस सम्बन्ध में अब तक क्या कार्यवाही की गई है ?

वित्त उपमंत्री (श्री ब० रा० भगत) : (क) फरवरी १९६० के अन्त तक २५ नये पैसे और उससे कम मूल्य के लगभग २३५ करोड़ दशमिक सिक्के जारी किये गये और आने-पाई से सम्बन्ध रखने वाले दुअन्नी तथा उससे कम मूल्य के १११ करोड़ सिक्के वापस लिये गये ।

(ख) इस विषय पर विचार किया जा रहा है और निश्चित रूप से यह नहीं बताया जा सकता कि ये सिक्के कब जारी किये जायेंगे ।

(ग) और (घ). इस सम्बन्ध में हाल में सरकार से कोई बड़ी शिकायत नहीं की गयी है ।

Black-Marketing in Cinema Tickets, Delhi

*1751. **Shri D. C. Sharma:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that black-marketing in cinema tickets in Delhi is on the increase;

(b) if so, the steps taken or proposed to be taken to check it;

(c) the number of persons arrested on charge of black-marketing in cinema tickets in Delhi during 1959; and

(d) the action taken against them?

..The Minister of Home Affairs (Shri G. B. Pant): (a) No.

(b) Does not arise.

(c) 131.

(d) All the 131 persons were sent up for trial. Of them, 113 were convicted, 5 acquitted or discharged and cases against 13 are pending in Courts.

Biography of General Thimmayya

*1752. **Shri Narayanankutty Menon:**
Shri Warior:
Shri S. M. Banerjee:

Will the Minister of **Defence** be pleased to state:

(a) whether Government are aware that Mr. Evans has published a biography of General Thimmayya, Indian Army Chief of Staff;

(b) if so, whether Government are aware of the author's preface to the effect that the book is an elaboration of General Thimmayya's manuscript and that the General has collaborated in writing the book;

(c) whether there is a ruling of Government that Service Officers are borbidden from publishing books;

(d) if so, whether General Thimmayya has been exempted from this ruling; and

(e) whether General Thimmayya was prohibited in the first instance from publishing a book by him on Korea?

The Minister of Defence (Shri Krishna Menon): (a) and (b). Government have only recently seen a book by an American Author Mr. Humphery Evans, entitled "Thimmayya of India: A Soldier's Life".

(c) The rule is that a person subject to the Army Act shall not publish or cause to be published any book on a political question, a service subject or containing any service information, without the prior sanction of Government or other competent authority.

The preface and the book is being read by the appropriate officials in the Ministry. Government will be able to answer the question only after a report is received.

(d) No, Sir. It is, however, understood from General Thimmayya that he is not responsible for the publication of the book.

(e) Yes, Sir.

Rat-affected Areas in Tripura

*1752-A. **Shri Dasaratha Deb:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether the test relief works still continue in Chamanu and other rat-affected areas in Tripura;

(b) whether any gratuitious relief has so far been given to the rat-affected areas there;

(c) the nature of works undertaken as test relief measures; and

(d) whether any loan or aid has been disbursed so far to enable the jhumias to sow seeds?

The Minister of Home Affairs (Shri G. B. Pant): (a) Yes.

(b) and (c). No. Test relief works have been started. Construction of certain link roads has been undertaken. Construction of irrigation bunds will also be taken up, if necessary.

(d) A sum of Rs. 1 lakh has been distributed as Dadan loan. Another sum of Rs. 1 lakh has also been distributed as agricultural loan to Jhumias to enable them to take up Jhum cultivation.

Reservation of Seats for S.C., & S.T. in Government Offices

*1753. **Shri B. K. Gaikwad:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that the policy of reserving seats in all Government Offices for the candidates of the Scheduled Castes and Scheduled Tribes is not applicable to Jammu and Kashmir State; and

(b) if so, the reason therefor?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) Under Article 309 of the Constitution, recruitment to posts in connection with the affairs of a State is regulated by the Legislature or the Governor of that State, subject to the provisions of Article 335 which prescribes that the claims of members of these communities should be taken into consideration, consistently with the maintenance of efficiency of administration.

(b) Does not arise.

Parachutes

*1753-A. **Shri U. C. Patnaik:** **Shri Ram Krishan Gupta:** **Pandit Brij Narayan Brijesh:**

Will the Minister of **Defence** be pleased to state:

(a) whether a trial order for parachutes worth about 1 lakh dollars was placed on a United States firm;

(b) whether the parachutes supplied by the firm were tested and found according to spescifications and airworthy;

(c) if not, what action is contemplated against the firm;

(d) whether a bulk order is contemplated to be placed with the same or any other foreign firm; and

(e) if so, the details thereof?

The Deputy Minister of Defence (Sardar Majithia): (a) Parachutes worth $ 50,000 were procured from the United States for trials.

(b) The parachutes were inspected in the U.S.A. and found upto specifications. On arrival in India, a few parachutes were found to be deficient of some minor components which were made good by the suppliers.

(c) Does not arise.

(d) The decision to procure any further quantity of parachutes of this type from abroad will depend on the result of the tests and the capacity to produce them in India.

(e) Does not arise.

South Calcutta Parliamentary Constituency

*1754. **Shri Halder:**
Shri A. K. Gopalan:
Shri T. B. Vittal Rao:

Will the Minister of **Law** be pleased to state:

(a) whether the persons who would not be able to be photographed would be allowed to vote during the election of South Calcutta Parliamentary Constituency where photo system of voting was going to be introduced first in our country; and

(b) whether 'pardanashin' ladies who would not like to be photographed for religious ground would be allowed to vote without producing photos?

The Deputy Minister of Law (Shri Hajarnavis): (a) and (b). Under the law, electors of this constituency have to be supplied with identity cards with their respective photographs affixed thereto. If an elector refuses or evades to have his photograph taken or is not available for being photographed in spite of repeated attempts, an identity card is not prepared for him. Any elector who fails to produce before the Presiding Officer or Polling Officer his identity card with his photograph affixed to it will not be allowed to vote in this bye-election under rule 26 (3)(c) of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1956. The position under the law is not different in the case of electors who are 'pardanashin' ladies and refuse to be photographed on religious grounds.

Theft of Currency from Train

*1755. **Shri P. G. Deb:** Will the Minister of **Finance** be pleased to refer to the reply given to Starred Question No. 707 on the 9th December, 1959 and state the progress since made regarding investigation in the case of theft of currency in the parcel express at Ghazibad on the night of 25th September, 1959?

The Deputy Minister of Finance (Shri B. R. Bhagat): It has not been possible so far to trace the persons responsible for the theft. Investigations are, however, still in progress.

Water Supply in Durgapur Steel Town

*1757. **Shri S. A. Mehdi:** Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) whether there are no adequate arrangements of water supply in Durgapur Steel Plant town;

(b) if so, the arrangements made to effect improvement; and

(c) whether it is also a fact that 35,000 people are affected due to water shortage there?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) There are adequate arrangements of water supply in Durgapur Steel Plant town.

(b) Does not arise.

(c) No, Sir.

Geological Survey of Kerala

*1758. **Shri Warior:**
Shrimati Parvathi Krishnan:
Shri Parulekar:
Shri Kodiyan:

Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) whether any extensive geological survey has been carried out in Attapadi Hills, Kerala State;

(b) if so, whether any precious minerals have been discovered in that region; and

(c) whether Government have any scheme to exploit this area further?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) and (b). A general survey carried out in the hill ranges around Attapadi Reserve forest area which has indicated the presence of some alluvial gold in small quantities.

(c) Availablie information indicates that the deposits are not likely to be of any economic significance.

Promotion of Section Officers

*1759. **Shri Braj Raj Singh:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that 150 persons of Grade III Section Officers were promoted to Grade II Section Officers on 20th November, 1959;

(b) the reasons therefor in view of the the recommendation of the Pay Commission to have one single scale of pay for Section Officers;

(c) whether the recommendation of the Pay Commission about the abolition of the two Grades of Section Officers has been implemented;

(d) if not, the reasons for delay and by what time it is expected to be implemented;

(e) whether these promotions were given retrospective effect from 1st May, 1959;

(f) if so, the amount of arrear paid to each individual officer and the total amount paid; and

(g) how many persons promoted were on the basis of seniority and how many on the basis of examination?

The Minister of State in the Ministry of Home Affairs (Shri Datar): A statement is placed on the Table of the House.

STATEMENT

(a) and (b). A panel of 150 names considered suitable for promotion to Grade II of the Central Secretariat Service was issued on the 20th November, 1959. These promotions were to be made against the vacancies in Grade II as on 1st May, 1959. The Report of the Pay Commission was placed on the Table of the House on 30th November, 1959. As the vacancies had arisen on 1st May, 1959, it was felt that it would not be correct to hold up the promotions, on the basis of a subsequent recommendation of the Pay Commission on which a decision has yet to be taken.

(c) No.

(d) The recommendation to have one single scale of pay for Section Officers is under consideration of the Government, and a decision will be taken as soon as all the aspects of the proposal have been considered.

(e) The promotions were to vacancies as on 1st May, 1959.

(f) Information is not available.

(g) Promotions from Grade III to Grade II are made entirely by selection on the basis of merit. Of the 150 officers included in the panel, 60 had come into Grade III by virtue of their seniority, 88 through limited departmental examination and 2 by direct recruitment.

दिल्ली में जल प्रदान

*१७५९क. **श्री नवल प्रभाकर** : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि यमुना नदी में पानी निरन्तर घटता जा रहा है ;

(ख) क्या यह सच है कि ताजेवाला हैडवर्क्स से छोड़े गये पानी की मात्रा घटा कर ३०० क्यूसेक्स कर दी गई है;

(ग) क्या यह भी सच है कि पंजाब सरकार ने यमुना नदी में पानी की मात्रा बढ़ाने में अपनी असमर्थता प्रकट की है; और

(घ) यदि हां, तो पानी की कमी को दूर करने के लिये क्या पग उठाये गये हैं ?

गृह कार्य मंत्री (श्री गो० ब० पन्त) : (क) और (ख). गर्मी के मौसम में यमुना नदी का जल प्राय: घट जाता है । वजीराबाद में नदी का वर्तमान स्तर लगभग ३५० क्यूसेक्स है ।

(ग) हम पंजाब सरकार से पत्र व्यवहार कर रहे हैं और यह आशा की जाती है कि वह सरकार गत वर्षों की तरह पश्चिमी यमुना नहर से यमुना नदी में आवश्यक मात्रा में पानी छोड़ना मंजूर कर लेगी ।

(घ) प्रश्न नहीं उठता ।

Admission into Technological Institutes

*1760. **Shri Ram Krishan Gupta:**
Shri Ajit Singh Sarhadi:
Shri D. C. Sharma:

Will the Minister of **Scientific Research and Cultural Affairs** be pleased to refer to the reply given to Unstarred Question No. 351 on the 23rd November, 1959 and state:

(a) whether the details of a common admission test to be held for the higher technological institutes have been formulated in consultation with the authorities of the institutes; and

(b) if so, the particulars thereof?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a) Yes, Sir.

(b) As a first step, a common Entrance Examination will be held for the Kharagpur and Bombay Institutes on 2nd and 3rd May, 1960 at 16 different centres. Candidates who have passed the Intermediate Examination or its equivalent are eligible to apply. The examination consists of four written papers each of three hours duration. Those who qualify at the Examination are also required to appear for a *viva-voce* test before the final selection.

Reorganisation of Lok Sahayak Sena

*1761. **Shri Bhakt Darshan:** Will the Minister of **Defence** be pleased to refer to the reply given to Starred Question No. 173 on the 16th February, 1960 and state:

(a) whether the reorganisation scheme of the Lok Sahayak Sena has since been finalised;

(b) if so, the special features of the organisation scheme; and

(c) the steps being taken to implement it?

The Minister of Defence (Shri Krishna Menon): (a) No, Sir. Detailed proposals are under fuller examination prior to implementation.

(b) and (c). Under these proposals greater stress would be given to border States though other States would also be included in the training scheme.

Promotions in Services

*1762. **Shri Harish Chandra Mathur:**
Shri Jinachandran:

Will the Minister of **Home Affairs** be pleased to state, what note, if any, has been taken by Government of the findings of Madras High Court reported on 6th March, 1960, that in matter of promotions in Services no reservations could be made and no preferential treatment given to the members of Scheduled Castes and Scheduled Tribes?

The Minister of Home Affairs (Shri G. B. Pant): The matter is under consideration.

Mineral Wealth of Sikkim

*1763. **Shri Raghunath Singh:**
Shri Rameshwar Tantia:

Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) whether it is a fact that a Corporation has been set up to de-

velop mineral wealth of Sikkim with India-Sikkim collaboration; and

(b) if so, how it is going to affect Indian trade and commerce?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) Yes, Sir.

(b) It is not going to affect Indian trade and commerce in any adverse manner.

Workers in Steel Plants

*1764. **Shri S. M. Banerjee:**
Shri Chintamoni Panigrahi:
Shri D. C. Sharma:
Shri Harish Chandra Mathur:
Shri Hem Barua:

Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) whether it is a fact that a large number of workers are likely to face unemployment during 1960 in Bhilai, Rourkela and Durgapur;

(b) the number of such workers at each plant; and

(c) the steps taken by Government to offer alternative employment to those workers?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) Yes, Sir.

(b) and (c). A statement is laid on the Table of the House.

STATEMENT

The tempo of construction work in all the three steel plants has passed its peak. A number of units have been completed and considerable work has been done on the remaining units as well. Therefore, with the decrease in construction work, retrenchment of surplus workers have become inevitable.

It has been estimated that about 25,000 surplus construction workers including those working in the mines will be retrenched at Bhilai during 1960. At Rourkela, out of 9,000 departmental workers, about 4,200 will be retrenched by the 31st March, 1961. There are 29,000 workers with various contractors at Rourkela and it will take some time to work out the number of persons who are likely to be thrown out of employment. At Durgapur, no retrenchment of departmental labour is anticipated during 1960. As regards contractors' labour, about 7,700 skilled and 5,600 semi-skilled and about 15,500 unskilled workers are at present employed in the steel works and of these, one third skilled and semi-skilled and about two third of unskilled labour are likely to be affected during 1960. On the township side, about 1,700 skilled and 5,000 unskilled are employed at present and of these, about 1700 are likely to be retrenched during 1960.

All possible assistance is given to retrenched workers in the matter of finding alternative employment. They have been advised to register themselves in the Employment Exchanges who will assist them in securing alternative employment elsewhere. This matter is also receiving the attention of the Ministry of Labour and Employment.

Employment of Retrenched Employees

***1765. Shri M. B. Thakore:** Will the Minister of **Home Affairs** be pleased to state:

(a) what steps Government have taken to provide alternative employment to the retrenched Government employees who are on the live register of Director General of Resettlement and Employment;

(b) by what time these retrenched employees are expected to be absorbed; and

(c) whether Government propose to give some relief to these retrenched employees during the period of their unemployment?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) Such employees are given top priority for absorption in all available vacancies.

(b) It is not possible to give any time limit but every effort is being made to absorb them as quickly as possible.

(c) No.

Price of Coal

*1766. **Shri Aurobindo Ghosal:** Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) whether it is a fact that the price of coal has been recently increased; and

(b) if so, the reasons therefor?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh) (a) and (b). A statement is laid on the Table of the House.

STATEMENT

The prices of coal were increased by the following amounts with effect from the 1st April, 1960:—

(i) Collieries in West Bengal, Bihar, Madhya Pradesh, Bombay and Orissa.—81 nP. per ton.

(ii) Collieries in Andhra Pradesh.—75 nP. per ton.

(iii) Collieries in Assam excluding those in the Khasi Hills area.—25 nP. per ton.

These price increases have been sanctioned to compensate the coal industry for the additional incidence of costs, to the extent it arises in the different regions, as a result of (i) implementation of the award given on 30-12-1959 by Shri A. Das Gupta Arbitrator (Colliery Disputes); (ii) the Mines (Amendment) Act, 1959; and (iii) payment of enhanced dearness allowance to colliery workers consequent on an increase of more than 10 points in the all-India average consumer price index number during the half year July-December, 1959.

Committee on Space Research

*1767. **Shri P. C. Borooah:**
Shri P. K. Deo:

Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) whether it is a fact that India has applied for the membership of the Space Research Committee; and

(b) if so, the result thereof?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a) and (b). India was approached first to serve as a rotating member and now as a permanent member. The proposal is under consideration of the Government of India.

Oil Survey at Budaun and Ujhani

*1768. **Shri D. C. Sharma:**
Shri Raghunath Singh:

Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) whether it is a fact that there is a proposal to start drilling operations near Budaun and Ujhani in a bid to discover oil;

(b) whether it is also a fact that seismic and analytical tests have already been carried out and two Russian engineers assisted by six Indian engineers are to work on the project for one year; and

(c) if so, the results of the tests carried out?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) The drilling contemplated is for obtaining geological information.

(b) and (c). Gravity, magnetic and seismic surveys have already been carried out in the area. Further tests have to be carried out only by drilling and a structural well will be drilled by Indian personnel helped by six Russian experts.

Jhumias of Rat Affected Areas

*1768-A. **Shri Dasaratha Deb:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that Tribal Jhumias of rat-affected areas of Kailasahar have been facing starvation which has been further aggravated due to the dis-continuation of Test Relief Works since the beginning of April, 1960;

(b) whether the Test Relief Works have been reopened in those localities now;

(c) what steps are being taken to protect people from starvation death; and

(d) whether, if any gratuitous relief is being made available to the infirm or persons losing capacity to work due to continued starvation?

The Minister of Home Affairs (Shri G. B. Pant): (a) to (d). The information is being collected and will be laid on the Table.

Hydrobiological Research in Lakes

*1769. **Dr. Ram Subhag Singh:**
Shri D. C. Sharma:

Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) whether Government propose to carry on bydro-biological research work in Dal Lake in Kashmir and Chilka Lake in Orissa;

(b) whether there is also a proposal for establishing some centres for studying flora of hilly regions; and

(c) if so, where and when?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) Yes, Sir. The Botanical Survey of India is already doing some work on these lines. The Central Inland Fisheries Research Station is also doing some work in Chilka Lake.

(b) and (c). The flora of the hilly regions of the country are already being studied through the existing four circles of the Botanical Survey of India, with headquaters at Shillong, Dehra Dun, Coimbatore and Poona.

Deletion of Caste or Sect in Registers and Forms

*1770. **Shri N. R. Muniswamy:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that Government of India have requested the State Governments to delete all references to caste or sect in registers and forms used in connection with matters relating to State and its services;

(b) if so, the State that gave their reactions favourably;

(c) what is the object of such decision;

(d) how Government of India are going to implement the safeguards provided in the Constitution for other Backward Classes in services and education, if caste and sect or groups are deleted from registers and forms; and

(e) if States have accepted on principle, how it is to be practiced effectively in giving representation and services to other Backward Classes?

The Minister of Home Affairs (Shri G. B. Pant): (a) to (e). The State Governments have been requested to delete references to caste or sect for various official purposes except where the recording of caste or sect is necessary for administrative purposes or to meet constitutional or statutory requirements. The reactions of all the States are favourable. This measure was taken to discourage caste and communal consciousness. The State Governments prepare their own lists of Other Backward Classes in the light of the circumstances prevailing in different States. They have not found any difficulty in carrying out their schemes in the interest of these Classes. Lists prepared by the States

are also adopted by the Ministry of Education for the purpose of granting scholarships.

Alleged Suicide by a Policeman

*1771. { **Shri P. G. Deb:** / **Shri S. A. Mehdi:**

Will the Minister of **Home Affairs** be pleased to state:

(a) whether a policeman jumped to death from the Qutab Minar on the 17th April, 1960;

(b) if so, the full details of the incident; and

(c) the reasons for not enforcing ban for single person going to the top storey of Qutab Minar?

The Minister of Home Affairs (Shri G. B. Pant): (a) and (b). On the 17th April, 1960, a Head-Constable of the Delhi Police, accompanied by two friends, went to visit the Qutab Minar. After some sight-seeing, they decided to go up to the top. When they reached the 4th storey, the Head-Constable complained of a pain in his arm and suggested that his two friends might go up while he would wait for them there. When his friends left him the Head-Constable committed suicide by jumping down. A report was immediately made to the police. Some letters recovered from the deceased's person indicated that he had committed suicide due to the feeling that his hand was incurably crippled and he had become a burden to others.

(c) The deceased had gone up with two friends but stayed behind alone at the 4th storey while the other two had gone further.

Property tax on Government Buildings

*1772. **Shri Ram Krishan Gupta:** Will the Minister of **Home Affairs** be pleased to refer to the reply given to Starred Question No. 867 on the 14th December, 1959 and state:

(a) whether Government have examined their actual liability in regard to property tax levied by the Delhi Municipal Corporation on Government buildings constructed prior to the 26th January, 1950 and service charges in respect of other buildings; and

(b) if so, the result thereof?

The Minister of Home Affairs (Shri G. B. Pant): (a) and (b). The general principles on which the actual liability of the Government is to be determined have been settled in consultation with the Corporation authorities and the actual amounts are being worked out.

Raids by Dacoits from Pakistan

*1773. **Shri Harish Chandra Mathur:** Will the Minister of **Home Affairs** be pleased to state:

(a) how many known gangs of dacoits are operating in Rajasthan from across the borders in Pakistan;

(b) whether this matter has been taken up with Pakistan Government; and

(c) if so, with what results?

The Minister of Home Affairs (Shri G. B. Pant): (a) Eleven.

(b) and (c). The matter has been taken up from time to time by senior officers of the Rajasthan Police with their counterparts in Pakistan at the zonal border meetings and, as a result, 56 dacoits have either been killed or arrested so far.

Chairman, University Grants Commission

*1774. **Shri Raghunath Singh:** Will the Minister of **Education** be pleased to state:

(a) whether it is a fact that Chairman, University Grants Commission has proceeded to Japan; and

(b) if so, the purpose of the visit?

The Minister of Education (Dr. K. L. Shrimali): (a) Yes, Sir.

(b) To visit the country under the Distinguished Visitors' Programme of the International House, Japan.

Ladakh Administration

*1775. **Shri Aurobindo Ghosal:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that the Ladakh administration has been reorganised; and

(b) if so, what are the main features thereof?

The Minister of Home Affairs (Shri G. B. Pant): (a) and (b). The Government of Jammu and Kashmir have placed the district of Ladakh in the charge of a Deputy Commissioner assisted by two Additional Deputy Commissioners and two Assistant Commissioners. The Deputy Commissioner will supervise the working of all the development Departments functioning in his area and will have all necessary powers for the purpose. He will also be the Development Commissioner for Ladakh. In matters requiring reference to the State Government, he will deal direct with the Secretary for Ladakh Affairs who will dispose of matters requiring decision under the supervision of the Prime Minister of the State.

Oil Deposits in Gujarat

*1776. **Shri D. C. Sharma:** Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) whether it is a fact that the site selected for the proposed permanent Capital of Gujarat shows signs of oil and a geological survey is being carried out there;

(b) if so, the progress made so far; and

(c) the results achieved?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) No signs of oil have been found but geophysical survery has just been undertaken to study the sub-surface structures.

(b) and (c). Do not arise.

Navy Rules

*1777. **Shri P. G. Dev:**
Shri Arjun Singh Bhadauria:
Shri S. A. Mehdi:

Will the Minister of **Defence** be pleased to state:

(a) whether it is a fact that the Indian Navy is still governed by the Royal Indian Navy Rules of 1938; and

(b) if so, when these will be replaced?

The Minister of Defence (Shri Krishna Menon): (a) Yes, Sir. The Regulations are, however, now known as the Regulations for the Indian Navy. The term 'Royal' was dropped from 26th January, 1950.

(b) The question of their replacement does not arise. The Regulations were made by the Government of India and meet the needs of the Service. The review of these Regulations to bring them up-to-date is in hand.

Hindi Steno-Typists

2608. **Shrimati Minimata:** Will the Minister of **Home Affairs** be pleased to state the number of Hindi Stenotypists in the Central Secretariat as on 31st December, 1959?

The Minister of State in the Ministry of Home Affairs (Shri Datar): Seven.

Wealth-tax Act

2609. **Shri D. C. Sharma:** Will the Minister of **Finance** be pleased to state:

(a) the total number of assessees registered during 1959-60 so far under the Wealth-tax Act; and

(b) the amount of tax levied during the same period?

The Minister of Finance (Shri Morarji Desai): (a) The number of Wealth-tax assessees in 1959-60 as on 29th February, 1960 was 32,242.

(b) Tax levied during 1959-60 upto 29th February, 1960 was Rs. 10,01,57,500.

Income-tax

2610. Shri D. C. Sharma: Will the Minister of **Finance** be pleased to state the number of persons who have been assessed during 1959-60 for income-tax on an annual income of over a lakh of rupees and over fifty thousand rupees separately within Gurdaspur District (Punjab)?

The Minister of Finance (Shri Morarji Desai): The information is being collected and a statement giving the required information will be laid on the Table of the House as early as possible.

Ministerial Posts in Central Secretariat Services

2611. Shri Vajpayee: Will the Minister of **Home Affairs** be pleased to state:

(a) how many cadres of ministerial posts are there in Central Secretariat Services;

(b) whether in each cadre there are different categories of employees;

(c) if so, how many categories are there in each cadre;

(d) the reasons for introduction of these categories; and

(e) whether Government propose to minimise them?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) Four, namely, Clerks, Assistants, Section Officers and Stenographers.

(b) and (c). Yes, as indicated below:

Cadre	*Categories*
Clerks	(i) Upper Division Clerks
	(ii) Lower Division Clerks.
Stenographers	(i) Grade I
	(ii) Grade II
	(iii) Grade III.

(d) and (e). The division of these cadres into different categories has been considered necessary having due regard to the nature of work to be done, the need for direct recruitment at an appropriate stage, and the provision of suitable avenues of promotion to the staff recruited in these cadres.

Welfare of Backward Classes in Orissa

2612. Shri Chintamoni Panigrahi: Will the Minister of **Home Affairs** be pleased to state:

(a) the amount of money which has been allocated to Orissa for 1960-61 for welfare of backward classes; and

(b) the details of such welfare schemes for which money has been allocated?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) Rs. 214·253 lakhs.

(b) Ashram schools and residential Savashrams; Histels; Stipends; control of shifting cultivation; agricultural facilities; co-operatives; Cottage Industries; Technical Training Institute; multipurpose tribal blocks; development of Sarwaswadan villages; housing; Drinking water wells; Antiyaws campaign; expanded nutrition programme; maternity and child welfare Centres; communication; development of pisciculture and aid to Non-Official organisations.

Abduction Cases in Delhi

2613. Shri D. C. Sharma: Will the Minister of **Home Affairs** be pleased to state:

(a) the number of reported abduction cases of married women and unmarried girls in Delhi during December, 1959 to March 1960 as compared to the figures for the corresponding period in the year 1958; and

(b) the number of women and girls recovered during each of the above periods?

/

The Minister of Home Affairs (Shri G. B. Pant): A statement containing the requisite information is laid on the Table of the House [*See* Appendix IV, annexure No. 77].

Loan Due from Punjab

2614. Shri D. C. Sharma: Will the Minister of **Finance** be pleased to state:

(a) the total amount of Central loan which was due from Punjab on the 31st March, 1960;

(b) the total amount of interest which is due from Punjab till the 31st March, 1960 on Central loans advanced to Punjab;

(c) whether Punjab has made any payment towards the interest charges so far; and

(d) if so, the amount paid by the State Government so far?

The Minister of Finance (Shri Morarji Desai): (a) to (d). As the accounts for the year 1959-60 are still open, it is not possible at this stage to give the information asked for by the honourable member relating to that year. A sum of Rs. 225 crores was, however, outstanding against Punjab as loans on 31st March, 1959. The amount of interest due from the State Government during 1958-59 was Rs. 8·20 crores and was paid during that year.

Colonies for Scheduled Castes and Scheduled Tribes in Andhra Pradesh

2615. Shri Madhusudan Rao: Will the Minister of **Home Affairs** be pleased to refer to the reply given to unstarred question No. 536 on the 29th February, 1960, and state:

(a) whether the information regarding the agricultural colonies for Scheduled Castes and Scheduled Tribes in Andhra Pradesh has since been received; and

(b) if so, the details thereof?

The Deputy Minister of Home Affair (Shrimati Alva): (a) Yes, Sir.

(b) A statement is laid on the Table of the Lok Sabha. [*See* Appendix IV, annexure No. 78].

Loans from U.S.A.

2616. { Shri Nagi Reddy: / Shri V. P. Nayar:

Will the Minister of **Finance** be pleased to refer to his reply to General Discussion on the Budget on the 10th March, 1960 and state:

(a) how much of the loan which according to him stood at 565:75 crores on 30th November, 1959 has been utilised as on 1st January, 1960; and

(b) what is the break-up of the total of such loan funds utilised in financing purchases in (i) dollar areas, (ii) sterling areas, (iii) soft currency areas, (iv) hard currency areas outside the dollar and sterling areas and (v) U.S.S.R. and the Eastern European countries?

The Minister of Finance (Shri Morarji Desai): (a) and (b). A statement is laid on the Table. [*See* Appendix IV, annexure No. 79].

Andamans

2617. { Shri Raghunath Singh: / Sardar A. S. Saigal:

Will the Minister of **Home Affairs** be pleased to refer to pages 405 and 424 of "The Demands for Grants of the Ministry of Home Affairs for 1959-60" and state:

(a) details of 'Other expenses—Rs. 2,12,000' included in the estimates for 1959-60 under "D.2(4).—Other charges" on Ports and Pilotage;

(b) whether the figure of Rs. 12,00,000 shown in the estimate for 1959-60 against "Gross Expenditure" under "D.2(5).—Marine Stores Suspense" represents value of marine stores in stock at the beginning of the

financial year;

(c) if so, how could the figures of Rs. 13,50,000 shown under Marine Stores Suspense for 1959-60 on page 424 exceed the total figure of Rs. 12,50,000 on page 405 under Marine Stores Suspense account; and

(d) details of Rs. 32,02,500 shown as receipts against XXIV-Ports and Pilotage on page 425 ibid?

The Minister of Home Affairs (Shri G. B. Pant):

	Rs.
(a) (i) Construction of four buoys .	20,000
(ii) Construction of three pontoons	75,000
(iii) Construction of one lighter	42,000
(iv) Reconstruction of Sea crafts:	
(M.L. Nila)	25,000
(M.L. Kismet)	50,000
Total .	2,12,000

(b) No. It represents value of articles proposed to be purchased during 1959-60.

(c) The amount of Rs. 13,50,000 shown under Marine Stores Suspense represents the expected amount of recovery from sales of stores to other Departments etc.

	Rs.
(d) (i) Income on freight passage and tonnage . . .	25,02,000
(ii) Miscellaneous receipts .	6,82,500
(ii) Miscellaneous Port dues .	18,000
Total .	32,02,500

Vessels Plying in Andamans

2618. { **Shri Raghunath Singh:** / **Sardar A. S. Saigal:**

Will the Minister of **Home Affairs** be pleased to refer to the Harbour Master, Port Blair's notice published in the Daily Telegrams of 9th March, 1960 regarding registration of vessels in the Andaman and Nicobar Islands and to state:

(a) the number of vessels (other than fishing vessels and harbour crafts) plying in the islands;

(b) names of vessels, names of their owners and dates of issue of their respective Loadline Certificates and also dates of their last annual survey; and

(c) what steps have been taken to prevent carriage of cargo unauthorisedly by fishing vessels in Nicobar Islands?

The Minister of Home Affairs (Shri G. B. Pant): (a) Six.

(b) The names of vessels and their owners are as follows:—

Name of vessel	*Name of owner*
M.V. Varacha	R. Akoojee Jadwet & Company.
M.V. Pankaj .	Sarvashri Balkrishna Gupta and Bhanwar Lal Agarwal.
S.L. Bhim .	P.C. Ray & Company.
M.V. Daya .	Nancowrie Trading Company.
M.V. Saleema	Akoojee Jadwet & Company.
M.V. Safeena	Akoojee Jadwet & Company.

Information about the dates of issue of their respective Loadline Certificates and of their last annual survey is being collected and will be placed on the Table.

(c) No cases of carriage of cargo unauthorisedly by fishing vessels in the Nicobar Islands have been reported.

Pakistanis in India

2619. Shri D. C. Sharma: Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that infiltration of people without passports in Punjab from West Pakistan has increased during 1959;

(b) whether it is also a fact that many Pakistanis, who entered Punjab with passports, have remained in Punjab in spite of the fact that the period of their validity has expired; and

(c) if so, the steps taken so far for the repatriation of those whose period of stay has expired and those who have entered without passports and also to stop the entry into Punjab of unauthorised persons from West Pakistan?

The Minister of Home Affairs (Shri G. B. Pant): (a) No.

(b) Yes.

(c) Action under the Indian Passport Act, 1920, and the Foreigners Act, 1946, for the prosecution and deportation of the offenders is taken. Measures against illegal entry, e.g., patrolling and vigilance on the border, have been intensified.

Income-tax Officials in Andhra Pradesh

2620. **Shri Madhusudan Rao:** Will the Minister of **Finance** be pleased to state:

(a) the number of Income-tax Officials against whom corruption charges were levelled during 1957-58 and 1959-60 in Andhra Pradesh;

(b) the nature of action taken against them; and

(c) the number of officials against whom charges were proved?

The Minister of Finance (Shri Morarji Desai): (a)

Year	*No. of complaints*
1957-58	3
1959-60	.. 23

(b) and (c). All the three complaints in 1957-58 were enquired into and found to be baseless. The complaints received in 1959-60 against 23 Income-tax Officials were also enquired into except one, which was quite vague and general in nature. Enquiries in 17 cases have been completed and all the complaints in these cases were found to be baseless. Enquiries are in progress in the remaining five cases.

Monuments at Warangal

2621. **Shri Madhusudan Rao:** Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) the steps taken to write the history of Kakatiya dynasty on the basis of information engraved on the pillars of Kakatiya temples and Fort in Warangal;

(b) the steps, if any, taken to repair the Ramappa temple situated some 40 miles away from Warangal;

(c) the total number of officers and staff of the Archaeology Department stationed at Warangal; and

(d) the annual expenditure incurred on the staff and maintenance of monuments at Warrangal?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) No steps have been taken by the Union Department of Archaeology to write the history of the Kakatiya dynasty, because the primary function of the Union Department of Archaeology is the publication of the source material and preservation of ancient monuments.

(b) Annual repairs of urgent nature have been undertaken according to necessity.

(c) Three

(i) Caretaker	1
(ii) Watchmen	.. 2

(d) Expenditure varies from year to year. The expenditure during 1958-59 was Rs. 5,367.

Welfare of S.C. & S.T. in J. & K.

2622. **Shri D. C Sharma:** Will the Minister of **Home Affairs** be pleased to state:

(a) the contribution made by the Central Government in 1959-60 for welfare of Scheduled Tribes, Scheduled Castes and other Backward Classes (separately) in Jammu and Kashmir; and

(b) the contribution made by the Central Government in 1959-60 for setting up of special multi-purpose blocks in Jammu and Kashmir?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) There are no Scheduled Tribes in Jammu and Kashmir. As for Scheduled Castes and Other Backward Classes, the required information is given below:

Categories	*Central Grants* (Rs. in lakhs)
Scheduled Castes ..	1·85
Other Backward Classes	2·24

(b) Nil.

Kidnapping of Children

2623. Shri D. C. Sharma: Will the Minister of **Home Affairs** be pleased to state:

(a) the number of children kidnapped in Delhi during 1960 (up to the middle of April, 1960);

(b) the number of children recovered; and

(c) the number of persons convicted for the offence?

The Minister of Home Affairs (Shri G. B. Pant): (a) 34.

(b) 26.

(c) None so far. Out of the 35 cases registered from 1-1-1960 to 15-4-1960, six cases have been cancelled, five are pending in the Court, and twenty-four are under investigation.

Technical Education in Andhra Pradesh

2624. Shri Madhusudan Rao: Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) the amount given as grants-in-aid during the year 1959-60 to Andhra Pradesh for developing technical education; and

(b) the names of the institutes which have been given the grant with the amount given?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a) Rs. 28,34,954.

(b):

Name of Institute	*Grants sanctioned* Rs.
(*a*) *Non-Government Institutes*	
1. Hyderabad Polytechnic, Hyderabad. . . .	1,72,734
2. Polytechnic at Wanaparthy. .	1,70,000
3. Polytechnic at Tanuku. .	3,03,220
4. Regional Engg. College, Warangal	4,00,000
Total .	10,45,954
(b) *Government Institutes*	
1. College of Engineering, Kakinada.	17,89,000
2. College of Engineering, Anantapur.	
3. Andhra Polytechnic Kakinada.	
4. Ceramic Institute, Gudur.	
5. Vuyyuru Polytechnic, Vuyyur.	
6. Government Polytechnic, Visakhapatnam.	
7. S.V. Polytechnic, Tirupathi	
8. Government Polytechnic, Hyderabad.	
9. Government Polytechnic Warangal.	
10. Government Polytechnic, Mahboobnagar.	
11. Mining Institute, Gudur.	
12. Mining Institute, Kothagudem.	

Educational Grants to Himachal Pradesh

2625. Shri D. C. Sharma: Will the Minister of **Education** be pleased to state the amount of grants allotted by the Centre to Himachal Pradesh during 1959-60 for different projects under general educational schemes only?

The Minister of Education (Dr. K. L. Shrimali): No specific grants are given to the Himahcal Pradesh Administration for implementation of educational schemes as necessary provision for the same is made in the Administration's budget itself.

Grants are, however, given to the Territorial Council for the implementation of various educational schemes but such grants are not given for individual schemes but on the "revenue gap basis".

Universities in Andhra Pradesh

2626. Shri Madhusudan Rao: Will the Minister of **Education** be pleased to refer to the reply given to Unstarred Question No. 1838 on the 7th April, 1960 and state:

(a) the grants given to each University in Andhra Pradesh during Second Five Year Plan period upto the 31st December, 1959;

(b) whether the grants have been properly spent;

(c) if the reply to part (b) above be in the negative, the irregularities detected and the action taken thereon; and

(d) the amount out of the total grants allocated for constructing hostels for students and quarters for staff in each University?

The Minister of Education (Dr. K. L. Shrimali): (a)

Andhra University—Rs. 45,79,975·55

Osmania University—Rs. 29,82,221·77

Sri Venkateswara University—Rs. 18,68,229·43.

(b) and (c). Information regarding the utilisation of the grants is being collected and will be laid on the Table of the Sabha in due course.

(d) Only a non-recurring grant of Rs. 1,00,000 was sanctioned to Sri Venkateswara University during 1958-59, for construction of Boys' hostel.

College Teaching Staff in Andhra Pradesh

2627. Shri Madhusudan Rao: Will the Minister of **Education** be pleased to state:

(a) how many colleges and Universities in Andhra Pradesh have implemented the University Grants Commission scales of pay for their teaching staff and the nature of assistance given by the University Grants Commission for the purpose during 1959-60;

(b) the names of colleges and universities which have adopted the scheme;

(c) whether the Central Government are going to insist upon the rest of the colleges to implement the new scales of pay; and

(d) if the reply to part (b) above be in the negative the reason therefor?

The Minister of Education (Dr. K. L. Shrimali): (a) to (d). A statement giving the requisite information is laid on the Table. [*See* **Appendix** IV, annexure No. 80].

Prize Bonds

2628. Shri Madhusudan Rao: Will the Minister of **Finance** be pleased to state:

(a) whether there is a proposal to sell prize bonds through authorised agents as is being done in the case of savings certificates;

(b) if so, the particulars in this respect;

(c) if the reply to part (a) above be in the negative the reason therefor; and

(d) the up-to-date State-wise sale of prize bonds?

The Minister of Finance (Shri Morarji Desai): (a) No sir.

(b) Does not arise.

(c) For the purchase of prize bonds, which are bearer bonds, no applications are required, nor do they indicate on their face, the name of the purchaser. As the title passes by mere possession, it is not desirable to sell them through authorised agents.

(d) As the bonds were placed on sale with effect from 1st April, 1960,

State-wise figures of sales are not yet available.

Training of Defence Personnel

2629. Shri D. C. Sharma: Will the Minister of **Defence** be pleased to state:

(a) how many officers of Army, Navy and Air Force were sent to foreign countries for higher training during 1960 (upto 30th April 1960); and

(b) the names of the countries other than the U.K. to which they were sent?

The Minister of Defence (Shri Krishna Menon): (a) 15 officers have been sent so far during 1960 for higher training abroad *i.e.* on courses other than in the maintenance of equipments etc.

(b) Australia, France, Italy and U.S.A.

Laccadive and Minicoy Islands

2630. Shri D. C. Sharma: Will the Minister of **Home Affairs** be pleased to state the amount spent on development works under different heads in the Laccadive and Minicoy Islands during the year 1959-60?

The Minister of Home Affairs (Shri G. B. Pant): The amounts spent on development works under different heads in the Laccadive, Minicoy and Amindivi Islands during 1959-60 are approximately as follows:

	Rs.
Education	2,74,600
Medical	1,67,300
Public Health	36,800
Agriculture	43,600
Fisheries	2,11,800
Animal Husbandry	6,600
Industries	67,200
Steamer Service	1,24,500
Boat service	18,100
Miscellaneous	6,300
Capital Outlay Buildings	1,86,400
Civil Works Buildings and staff.	94,000
Total	12,37,200

These figures are based on the final surrender statement. The finalised figures have not yet been received from the Accountant General, Kerala.

Post-Matric Scholarships to Punjab Students

2631. Shri D. C. Sharma: Will the Minister of **Education** be pleased to state the amount released towards payment of post-Matric Scholarships to students belonging to Scheduled Castes and Scheduled Tribes in Punjab during 1959-60?

The Minister of Education (Dr. K. L. Shrimali):

	Rs.
Scheduled Castes	14,47,200
Scheduled Tribes	32,500
Total	14,79,700

Vacant Houses in Dagshahi Cantonment

2632. Shri D. C. Sharma: Will the Minister of **Defence** be pleased to state:

(a) whether it is a fact that a scheme has been framed to utilise the houses lying vacant in Dagshahi;

(b) if so, the details thereof; and

(c) when all those houses are likely to be occupied?

The Minister of Defence (Shri Krishna Menon): (a) to (b). No Defence Services accommodations at Dagshahi is lying vacant at present. No specific scheme for utilising civil accommodation that may be vacant is under consideration.

Expenditure on Education

2633. Shri D. C. Sharma: Will the Minister of **Education** be pleased to state the average expenditure which a student has to incur to take a degree in (i) Law and (ii) Commerce?

The Minister of Education (Dr. K. L. Shrimali): The information is being collected and will be laid on the Table of the House.

Silver Mines in Jammu and Kashmir

2634. **Shri D. C. Sharma:** Will the Minister of **Steel, Mines and Fuel** be pleased to state whether any new fields or mines containing silver have been discovered in Jammu and Kashmir?

The Minister of Mines and Oil (Shri K. D. Malaviya): No fields or mines containing significant concentrations of silver have been located by the Geological Survey of India in Jammu and Kashmir.

Schemes for Scheduled Castes and Scheduled Tribes in Punjab

2635. **Shri D. C. Sharma:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether any special grants have been applied for by the Government of Punjab for the implementation of the schemes for the Scheduled Castes and Scheduled Tribes during the remaining period of the Second Five Year Plan;

(b) if so, the amount of special grants asked for; and

(c) the amount sanctioned in this regard?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) No Sir.

(b) and (c). Do not arise.

Central Loans Due from Andhra Pradesh

2636. **Shri Madhusudan Rao:** Will the Minister of **Finance** be pleased to state:

(a) the total amount of Central loans due from Andhra Pradesh Government as on the 31st March, 1960;

(b) the total amount of interest due from Andhra Pradesh Government during the same period;

(c) the various heads under which the Central loans have been advanced to the Andhra Pradesh Government; and

(d) whether the Andhra Pradesh Government have since made any payment towards the loan capital?

The Minister of Finance (Shri Morarji Desai): (a), (b) and (d). As the accounts for the year 1959-60 are still open, it is not possible at this stage to give the information asked for by the honourable member relating to that year. A sum of Rs. 139.31 crores was, however, outstanding against Andhra Pradesh as loans on 31st March 1959 and a sum of Rs. 3.24 crores was recovered as interest during the year 1958-59. The Andhra Pradesh Government also repaid loans amounting to Rs. 6.22 crores during that year.

(c) The loans are for numerous purposes, the important items of which are Grow More Food Schemes, Irrigation Schemes, Approved Development Schemes, Nagarjunasagar Project, States' share of small savings collections, Community Development Projects, etc.

National Council of Engineers

2637. **Shri Subodh Hansda:**
Shri R. C. Majhi:
Shri S. C. Samanta:
Shri B. D. Gupta:
Shri Aurobindo Ghosal:

Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) whether there is any proposal to set up a National Council of Engineers;

(b) whether this proposal has been finalised; and

(c) if so, the details thereof?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a) and (b). A proposal to set up a national engineering organisation is under consideration, but has not yet been finalised.

(c) Does not arise.

Reservation of Posts for Scheduled Castes|Tribes in Hindustan Steel Ltd.

2638. **Shri Subodh Hansda:**
Shri R. C. Majhi:
Shri S. C. Samanta:

Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) whether there is any provision for reservation of posts in different categories of services for the Scheduled Castes and Scheduled Tribes in Hindustan Steel Limited;

(b) if so, what percentages of services have been filled up uptill now since the establishment of the Hindustan Steel Limited; and

(c) if not, the reasons therefor?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a). In accordance with the general policy of the Government regarding reservation of posts for Scheduled Castes|Scheduled Tribe candidates for Government employment, Hindustan Steel Ltd. is also giving preference to Scheduled Caste|Scheduled Tribe candidates as far as possible, consistent with the maintenance of efficiency.

(b) and (c). As bulk of the recruitment by the Hindustan Steel was for construction purposes and the employment was of a temporary nature, no statistics of communal representation were maintained, although a large number of Scheduled Caste|Scheduled Tribe people were actually engaged in Bhilai and Rourkela on construction work. The Company has, however, been asked to maintain these statistics for regular employees.

Foreign Exchange

2639. **Shri Ram Krishan Gupta:** Will the Minister of **Finance** be pleased to refer to the reply given to Unstarred Question No. 944 on the 4th December, 1959 and state:

(a) whether the investigations in the case of Shri V. J. Pillani regarding spending of more foreign exchange than sanctioned have been completed; and

(b) if so, the result thereof?

The Minister of Finance (Shri Morarji Desai): (a) and (b) Documents relating to this case are in the custody of the official liquidator and attempts are being made to obtain them with Court's permission. Investigation has taken time because of the difficulty in getting the documents in the custody of official liquidator.

Central Committee on Prohibition

2640. **Shri Ram Krishan Gupta:**
Shri Vidya Charan Shukla
Shri D. C. Sharma:

Will the Minister of **Home Affairs** be pleased to refer to the reply given to Starred Question No. 863 on the 14th December, 1959 and state:

(a) whether the details regarding composition and functions of the Central Committee on Prohibition have since been worked out in consultation with the State Governments; and

(b) if so, what are they?

The Minister of Home Affairs (Shri G. B. Pant): (a) Yes.

(b) A Statement showing the composition and functions of the Committee is laid on the Table of the House. [*See* Appendix IV, annexure No. 81].

System of Examination in Universities

2641. **Shri Ram Krishan Gupta:**
Shri Hem Barua:
Shri Rameshwar Tantia:

Will the Minister of **Education** be pleased to refer to the reply given to Unstarred Question No. 158 on the 18th November, 1959 and state:

(a) whether the Committee set up by the University Grants Commission to examine the question of reform in the system of examination in the

Indian Universities has submitted its final report;

(b) if so, the details thereof; and

(c) the nature of action taken so far to implement the recommendations of the Committee?

The Minister of Education (Dr. K. L. Shrimali) (a) No. Sir.

(b) and (c). Do not arise.

हिन्दी असिस्टैन्ट

२६४२. **श्री खुशवक्त राय** : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि १९५६ में संघ लोक सेवा आयोग ने केन्द्रीय सचिवालय में हिन्दी असिस्टेंटों की भर्ती के लिये एक परीक्षा ली थी; और

(ख) उसमें कितने उम्मीदवार बैठे थे और कितने उत्तीर्ण हुये ?

गृह-कार्य मंत्रालय में राज्य मंत्री (श्री दातार) : (क) जून, १९५९ में (१९५६ में नहीं) यू० पी० एस० सी० ने सेण्ट्रल सेक्रेटैरियेट और सेण्ट्रल सेक्रेटेरियेट सर्विस स्कीम (Central Secretariat Service Scheme) में साझी दूसरे दफ्तरों में हिन्दी असिस्टेंटों की भर्ती के लिये एक प्रतियोगिता विभागीय परीक्षा ली थी ।

(ख) उस परीक्षा में ३९६ उम्मीदवार बैठे और ४६ उत्तीर्ण हुए ।

पाकिस्तानियों का भारत में अधिक समय तक ठहरना

२६४३. **श्री प्रकाशवीर शास्त्री :**
श्री वी० चं० शर्मा :
श्री रघुनाथ सिंह :
श्री पद्म देव :
श्रीती मफीदा अहमद :

क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि पाकिस्तान से आये कुछ ऐसे भी व्यक्ति भारत में रह रहे हैं जिनके पार-पत्र की अवधि समाप्त हो चुकी है ;

(ख) क्या सरकार को यह पता लगा है कि ये लोग राष्ट्र-विरोधी गतिविधियों में भाग लेते हैं ;

(ग) इस समय भारत में ऐसे कितने पाकिस्तानी नागरिक रहते हैं;

(घ) क्या उनकी संख्या दो वर्ष पूर्व यहां रहने वाले ऐसे लोगों से कम है; और

(ङ) क्या सरकार भारत में अवैध रूप से रहने वाले व्यक्तियों के विरुद्ध कुछ कदम उठाने की सोच रही है ?

गृह-कार्य मंत्री (श्री गो० ब० पन्त) : (क) से (ङ) सूचना इकट्ठी की जा रही है और प्राप्त होने पर सभा-पटल पर रखी जायेगी ।

Austenitic Chromium Nitrogen Manganese

2644. Shri P. K. Deo: Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) the quantity of Nickel-free Austenitic Chromium Nitrogen Manganese imported into India in the years 1958-59 and 1959-60 and the amount of foreign exchange involved;

(b) how it is used in the country;

(c) whether indigenous production of Nickel-free Austenitic Chromium Nitrogen Manganese can be taken up on a commercial scale as a result of research carried out at the National Metallurgical Laboratory, Jamshedpur;

(d) the Finances that will be required to set up an industry for its production; and

(e) whether any application for licence has been received for their production in the country of whether Government want to produce it in the Public Sector?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) The

import figures are not available as import statistics are not maintained separately for this item which falls under the broad category of 'Stainless Steels'.

(b) It is used for all kinds of domestic utensils, pressure cookers, cooking ranges, wash-basins, sanitary fittings, for hospital ware, dairy equipment, decorative and architectural purposes, steel furniture, high strength structural members, etc.

(c), (d) and (e). A trial run of 100 tons of this type of steel is proposed to be made in the Alloy, Tool and Special Steels plant which is to be put up in the public sector. It is only after the trial, it would be possible to give the necessary data relating to its economics, prospects of production on a commercial scale, etc.

Government have received an application from a private party for setting up an Alloy, Tool and Special Steels plant in which special steels of this type may also be manufactured. This application is under consideration.

Low Carbon Ferro Chrome

2645. Shri P. K. Deo: Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) the quantity of Low Carbon Ferro Chrome imported into India in the years 1958-59 and 1959-60 and the amount of foreign exchange involved;

(b) how it is used in the country;

(c) whether indigenous production of Low Carbon Ferro Chrome can be taken up on a commercial scale as a result of research carried out at the National Metallurgical Laboratory, Jamshedpur;

(d) the finances that will be required to set up an industry for its manufacture; and

(e) whether any application for licence has been received for its production in the country or whether Government want to produce it in the Public Sector?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) Figures of import of Ferro Chrome are given below as separate figures for Low Carbon Ferro Chrome are not available:

	Quantity	*Value*
1958-59 . .	127 tons	2,28,000
1959-60 . . . (April to September, 1959)	263 tons	4,31,000

(b) It is used in Alloy steel industry for the production of stainless steel, electrical resistance alloys, etc.

(c) Yes, Sir.

(d) It is estimated that Rs. one lakh will be required for a plant with a capacity of 500 lbs. of Ferro Chrome per day.

(e) No application for the manufacture of ferro chrome is pending with Government; nor are Government considering a proposal for a plant in the public sector.

R.V.F. Reorganisation Committee

2646. **Shri S. C. Samanta:**
Shri Subodh Hansda:
Shri R. C. Majhi :

Will the Minister **Defence** be pleased to state:

(a) whether the Report of the Remount, Veterinary and Farms Reorganisation Committee has been finally considered and decision taken;

(b) if so, when; and

(c) what recommendations are going to be implemented?

The Minister of Defence (Shri Krishna Menon): (a) to (c). The Report of the Remounts, Veterinary and Farms Reorganisation Committee contains a number of recommendations covering a wide field of subjects and they aim at improving the functioning of the Military Farms and the Remounts and Veterinary Services. The basic recommendation of the Committee for the bifurcation of the Remounts, Veterinary and Farms Corps has been accepted by Govern-

ment in principle. In view of some additional expenditure involved, it is proposed to phase out its implementation suitably. Army Headquarters is studying and processing the other recommendations of the Committee.

S.C. and S.T. in Andhra Pradesh

2647. Shri Madhusudan Rao: Will the Minister of Home Affairs be pleased to state:

(a) the amount sanctioned for the welfare of Scheduled Castes and Scheduled Tribes in Andhra Pradesh for 1958-59 and 1959-60;

(b) whether this sum is also being utilised for the welfare of tribal people like Yerukala, Yanadis etc. in nine districts of Telengana for the same period;

(c) if not, why this discrimination; and

(d) what is the reason that the Yerukala and such other communities have been recognised as Scheduled Tribes in other parts of Andhra Pradesh whereas they have not been recognised in nine districts of Telangana?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) The information is given below:

(Rs. in lakhs)

Category	Amount sanctioned for			
	1958-59		1959-60	
	State Sector	Central Sector	State Sector	Central Sector
Scheduled Castes	12·95	13·91	17·99	16·89
Scheduled Tribes	21,31	18·81	30·91	39·69
Total	34·26	32·72	48·90	56·58

(b) to (d). No, Sir. These people have not yet been included in the list of Scheduled Tribes in the Telengana region. The area restriction in listing of tribes as Scheduled Tribes in specific parts of States like Andhra Pradesh are deliberate. The main reason for restricting the scheduling of some tribes to particular areas of a State is that the tribes in question are either not found in the other areas or, if found, do not satisfy the criteria for the scheduling of tribes.

Bauxite Deposits in Koraput

2648. **Shri Pangarkar:**
Shri Sanganna:

Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) whether it is a fact that bauxite has been discovered in Koraput district of Orissa;

(b) if so, whether any survey has been made to find out the extent of deposits; and

(c) if so, the progress made?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) to (c). Occurrences of bauxite have been recorded by Geological Survey of India in the following localities of Koraput district of Orissa:

(i) Girliguma hills, south east of the village of the same name.

(ii) North of Manduru.

(iii) On the flat-topped hill of Nagasari Estate forest, about 5 miles N.N.W. of Padwa, and

(iv) On the northern portion of the Panchapat Mali and on the hill.

The reserves of bauxite in the northern portion of the Panchapat Mali have been estimated at about 1400 tons.

National Memorial at Jallianwala Bagh, Amritsar

2649. **Shri Pangarkar:**
Shri D. C. Sharma:
Shri Daljit Singh:

Will the Minister of **Scientific Research and Cultural Affairs** be pleased

to refer to the reply given to Starred Question No. 977 on the 17th December, 1959 and state:

(a) the further progress since made in setting up of National Memorial at Jallianwala Bagh, Amritsar; and

(b) the total expenditure incurred so far?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a) and (b). It is estimated that Rs. 6,35,549 have been spent so far and about 90 per cent of the work completed.

Agra Fort

2650. Shri Pangarkar: Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) the amount spent for the maintenance of Agra Fort during 1959-60; and

(b) the amount proposed to be spent for the maintenance of Agra Fort during 1960-61?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a). Rs. 33,020.

(b) Rs. 51,498

Red Fort, Delhi

2651. Shri Pangarkar: Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) the amount spent for the maintenance of Red Fort, Delhi, during 1959-60; and

(b) the amount proposed to be spent for the maintenance of the Red Fort, Delhi during 1960-61?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) Rs. 43,036.

(b) Rs. 48,200.

Adhai-Din-Ka-Johpara at Ajmer

2652. Shri Pangarkar: Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) the amount spent for the maintenance of Adhai dia-ka johpara at Ajmer during 1959-60; and

(b) the amount proposed to be spent for the maintenance of the above monument during 1960-61?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a), Rs. 1.011.

(b). Rs. 3,500

Monuments in Andhra Pradesh

2653. Shri Madhusudan Rao: Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) the total amount spent in the protection of Centrally protected monuments in Andhra Pradesh during 1958-59 and 1959-60; and

(b) whether the total amount allocated in this regard has been spent fully?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) and (b).

Year	*Amount allotted*	*Amount spent*
	Rs.	Rs.
1958-59 .	1,11,700	88,952
1959-60 .	1,02,500	1,02,160

Monuments in Orissa

2654. Shri Chintamoni Panigrahi: Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) the total amount allotted for the maintenance and special repairs of each of the protected monuments in Orissa for the year 1959-60; and

(b) what amount has been actually spent so far for each of the protected monuments?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) and (b). A statement is laid on the Table of the House. [*See* Appendix IV, annexure No. 82].

Expenditure Tax, Gift Tax and Wealth Tax in Punjab

2655. { **Shri Hem Raj:** / **Shri D. C. Sharma:**

Will the Minister of **Finance** be pleased to state the amount of Estate Duty, Expenditure Tax, Gift Tax and Wealth Tax assessed and collected in the Punjab, district-wise, during 1959-60?

The Minister of Finance (Shri Morarji Desai): The required information is being collected and will be laid on the Table of the Sabha.

Colonies for Scheduled Castes and Scheduled Tribes in Punjab

2656. { **Shri Daljit Singh:** / **Shri D. C. Sharma:**

Will the Minister of **Home Affairs** be pleased to state the amount allotted by the Central Government to the Punjab State for the construction of colonies for Scheduled Castes and Scheduled Tribes during 1960-61?

The Deputy Minister of Home Affairs (Shrimati Alva): Under the scheme for the welfare of Backward Classes an amount of Rs. 4·03 lakhs has been allotted for the construction of colonies for Scheduled Castes during the year 1960-61.

The State Government have no programme for the construction of colonies for Scheduled Tribes under the schemes for the welfare of Backward Classes.

Gramdan Villages in Punjab

2657. Shri Daljit Singh: Will the Minister of **Finance** be pleased to state:

(a) whether Government have made any further grants to Akhil Bharat Sarva Seva Sangh for development of Gramdan Villages in Punjab during 1958-59 and 1959-60 to date; and

(b) if so, the amount thereof?

The Minister of Finance (Shri Morarji Desai): (a) No, Sir.

(b) Does not arise.

Income Tax in Punjab

2658. { **Shri Daljit Singh:** / **Shri D. C. Sharma:**

Will the Minister of **Finance** be pleased to state:

(a) the collections of Income Tax circles for the years 1958-59 and 1959-60 in Punjab;

(b) the total number of assessees circle-wise for the same period; and

(c) the broad reasons explaining increase or decrease in the collections Circle-wise?

The Minister of Finance (Shri Morarji Desai): (a) and (b). A statement giving the required information is laid on the Table of the House. [*See* Appendix IV, annexure No. 83].

(c) Increase in some circles and decrease in others are attributable to local variations which are inevitable.

Jhum Cultivation

2659. Shri Dasaratha Deb: Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that in the Damchara area, Tripura this year jhum cultivation has been prevented in the vast tracks of Jilla lands;

(b) whether it is also a fact that nearly ten thousand tribal population

in Tripura have been facing serious situation at present due to the prohibition of jhum cultivation; and

(c) what steps Government propose to take to protect these tribal jhumias in the Damchara area?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) Jhum cultivation is prevented in reserved forest areas only.

(b) About 800 tribal jhumias living in reserved forest areas have been affected due to prohibition of jhuming.

(c) Tribal families already cutting jhum inside the reserved forest area have been allowed to grow jhum crop in conjunction with forest crop on Taungiya system.

Tribal jhumias are being given land in reserved forest as forest villagers for permanent cultivation. Some of them are given lands outside forest areas also for settlement.

Revision of Pay Scales in Tripura

2660. Shri Dasaratha Deb: Will the Minister of **Home Affairs** be pleased to state whether it is a fact that the Tripura Territorial Council has adopted a resolution demanding revision of pay-scales of its employees in the light of the recommendations of the Central Pay Commission?

The Minister of Home Affairs (Shri G. B. Pant): Yes.

Shell-Fishing in Andaman and Nicobar Islands

2661. Sardar A. S. Saigal: Will the Minister of **Home Affairs** be pleased to refer to the reply given to Unstarred Question No. 2291 on the 23rd March, 1959 and state:

(a) whether a boat engaged in shell-fishing is required or not under customs regulations to obtain port clearance when sailing from one declared port to another declared port though both the ports in question may lie in one shell-fishing zone created under the Andaman and Nicobar Islands Shell-Fishing Regulation; and

(b) whether "m.v. Daya" carried cargo of copra etc. from Nancowrie to Car Nicobar in the year 1957 or not?

The Minister of Home Affairs (Shri G. B. Pant): (a) Yes; according to the Sea Customs Act, 1878, no vessel laden or in ballast shall depart from any customs port until a port clearance has been granted by the Collector of Customs or other officer duly authorised in this behalf.

(b) "m.v. Daya" carried cargo from Nancowrie to Car Nicobar three times in 1957. The question whether or not this vessel was specifically authorised to carry cargo in 1957 is being investigated.

Estate Duty, Wealth Tax, Expenditure Tax and Gift Tax

2662. Shri Hem Raj: Will the Minister of **Finance** be pleased to state the amount of Estate Duty, Wealth Tax, Expenditure Tax and Gift Tax assessed and collected during 1959-60 Statewise?

The Minister of Finance (Shri Morarji Desai): The required information is being collected and will be laid on the Table of the Sabha.

भारत-पाक सीमा पर तस्कर-व्यापार

२६६३. **श्री प्रकाश वीर शास्त्री :** क्या वित्त मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या भारत-पाक सीमा पर (पश्चिमी और पूर्वी) गत पांच वर्षों में तस्कर व्यापार में कुछ कमी हुई है ;

(ख) गत वर्ष तस्कर व्यापार के कितने मामले पकड़े गये ;

(ग) क्या यह भी सच है कि गत ५ वर्षों में पाकिस्तान से चोरी-छिपे अफीम लाने वाले कुछ व्यक्ति गिरफ्तार किये गये थे; और

(घ) क्या तस्कर-व्यापार के सिलसिले में सीमा पर तैनात कुछ अधिकारियों को भी दण्ड दिया गया है ?

वित्त मंत्री (श्री मोरारजी देसाई) : (क) यदि पकड़े गये माल के मूल्य को चोरी छिपे लाये ले जाये गये माल की मात्रा का सूचक माना जाय तो १९५८ से इस मात्रा में काफी कमी हुई है ।

(ख) ३४५८ ।

(ग) जी, हां ।

(घ) जी, हां ।

Adivasis and Harijans of Orissa

2664. Shri Sanganna: Will the Minister of **Home Affairs** be pleased to state:

(a) whether the Government of Orissa have sent any new schemes for the colonisation of Adivasis and Harijans to the Government of India for additional financial assistance in the year 1960-61; and

(b) if so, with what results?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) No, Sir.

(b) Does not arise.

Pen-Down Strike by Government Employees

2665. Shri Aurobindo Ghosal:
Shri B. Das Gupta:
Shri S. M. Banerjee:

Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that Government employees staged a pen-down strike on the 13th February, 1960; and

(b) if so, what is the approximate number of employees who participated in it?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) There was a pen-down strike in some Offices of the Government of India.

(b) Information is not readily available.

Subletting of Quarters by M.E.S. Employees

2666. Shri Balmiki: Will the Minister of **Defence** be pleased to state:

(a) whether it is a fact that cases of subletting of Government quarters by M.E.S. employees and civilian employees have come to the notice of Government;

(b) whether it is also a fact that high rents are being charged by them; and

(c) if so, what action has been taken by Government to stop this malpractice?

The Minister of Defence (Shri Krishna Menon): (a) Yes, Sir.

(b) and (c). Cases of unauthorised subletting of Government accommodation are normally dealt with by local administrative authorities and suitable action is taken against the Government servants concerned in accordance with the rules. Besides, such penalty as may be imposed under the rules, those involved are liable to disciplinary action.

Women Teachers and Girl Students in Delhi

2667. Shri M. B. Thakore: Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that women teachers and girl students are often harassed by the anti-social elements in and out of schools in Delhi; and

(b) if so, whether any arrangements have been made by Government to protect them while going to and returning from schools?

The Minister of Home Affairs (Shri G. B. Pant): (a) and (b). No. Police patrols keep special vigilance near girls schools and colleges.

Kulai Bazar of Amarpur in Tripura

2668. Shri Dasaratha Deb: Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that a fire broke out in the first week of February, 1960 in Kulai Bazar of Kamalpur Sub-division in Tripura;

(b) if so, whether any aid to the affected persons has been given so far; and

(c) the estimated loss to the people by this fire?

The Minister of Home Affairs (Shri G. B. Pant): (a) to (c). The information is being collected and will be laid on the table.

Rules for Promotion in Delhi Police

2669. Dr. Ram Subhag Singh: Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that Punjab Police Rules are applicable to Delhi Police for promotion purposes; and

(b) if not, what procedure has been adopted for these matters?

The Minister of Home Affairs (Shri G. B. Pant): (a) Yes.

(b) Does not arise.

Complaint from Bengalees of Bihar

2670. Shri Aurobindo Ghosal: Will the Minister of **Home Affairs** be pleased to state:

(a) whether any complaint has been received by the Commissioner of Linguistic Minorities from the Bengalees of Bihar State; and

(b) if so, what are their grievances?

The Minister of Home Affairs (Shri G. B. Pant): (a) Yes.

(b) They relate mainly to use of Hindi in settlement records, and inadequacy of facilities for instruction in Bengali in certain areas.

Youth Hostels in Orissa

2671. { Shri Sanganna: / Shri Chintamoni Panigrahi:

Will the Minister of **Education** be pleased to state:

(a) whether any financial grant is being given to the Government of Orissa for the construction of youth hostels in Orissa;

(b) if so, the amount thereof;

(c) whether the entire grant has been spent; and

(d) if the answer to part (c) above be in the negative, the reasons therefor?

The Minister of Education (Dr. K. L. Shrimali): (a) No, Sir.

(b) to (d). Do not arise.

National Physical Laboratory

2672. Shri S. M. Banerjee: Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) whether it is a fact that National Physical Laboratory purchased disposal material worth lakhs of rupees in the past;

(b) whether it is also a fact that National Physical Laboratory could not use this material uptil now and therefore intends to auction it through private auctioneers; and

(c) if so, the reasons therefor?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a) to (c). The Laboratory obtained stores costing about Rs. 10·5 lakhs on "as is, where is" basis. A substantial part of the stores has been utilized either by the National Physical Laboratory or by other National Laboratories and scientific research institutions in the country. The National Physical Laboratory has, so far, disposed of material to other research institutions and realised Rs. 6·70 lakhs. In addition, much of the electronic and electric equipment, detection

apparatus, transformers and transmitters etc., have been utilised by the various Divisions of the Laboratory. Thus the Liquid Air Plant and the Ceramic Pilot Plant have been assembled by utilising these disposal material. The balance which is not useful for laboratory purposes is being disposed of by public auction through the Director-General, Supplies and Disposals, and not through private auctioneers.

Shifting Cultivation

2673. Shri Sanganna: Will the Minister of **Home Affairs** be pleased to state:

(a) whether the Government of Orissa have approached the Government of India for any financial assistance to provide housing facilities to the Adivasis who are engaged in shifting cultivation;

(b) if so, whether any scheme has been sent; and

(c) with what results?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) to (c). No separate request for financial assistance providing housing facilities to Adivasis engaged in shifting cultivation has been received from the Orissa Government. It may, however, be stated that under the scheme "Settlement of Adivasis on land" approved for implementation during the Second Five Year Plan period under the State Plan schemes for the welfare of Backward Classes, subsidy @Rs. 250 per family is afforded by the State Government for construction of houses.

Child Marriages

2674. Shri Kumbhar: Will the Minister of **Home Affairs** be pleased to state:

(a) the number of Child Marriage cases brought to the notice of the administrations in the Union Territories during 1959; and

(b) the action taken thereon?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) and (b). *Delhi*—2 cases. Information regarding the disposal of these two cases will be laid on the Table of the House as soon as it is available.

Himachal Pradesh.—10 cases out of which 8 were discharged and 2 are still *sub-judice*.

Manipur—Information has been called for and will be laid on the Table of the House.

Tripura.—Nil.

Andaman and Nicobar Islands—Nil.

Laccadive Minicoy and Amindivi Islands.—Nil.

धार्मिक व नैतिक शिक्षा सम्बन्धी समिति

२६७५. **{श्री भक्त दर्शन : पंडित ज्वा० प्र० ज्योतिषी:**

क्या शिक्षा मंत्री १६ फरवरी, १९६० के अतारांकित प्रश्न संख्या १६१ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि धार्मिक व नैतिक शिक्षा सम्बन्धी समिति की सिफारिशों को कार्यान्वित करने के लिये क्या कार्यवाही की जा रही है ?

शिक्षा मंत्री (डा० का० ला० श्रीमाली): विषय विचाराधीन है।

Christian Missionaries

2676. Shri Hem Raj: Will the Minister of **Home Affairs** be pleased to state the number of Christian Missionaries working in different States in 1959?

The Minister of Home Affairs (Shri G. B. Pant): A statement showing the number of foreign missionaries registered in India as on the 1st January, 1959 State-wise, which is the information available, is laid on the Table of the House. [*See* **Appendix IV, annexure No. 84.**]

Elections

2677. Shri Achar: Will the Minister of Law be pleased to state:

(a) whether Government are aware that voters who are employed in the Railways or other Government Transport services as 'running staff' are not at all able to exercise their franchise during the election to the Lok Sabha and the State Assemblies;

(b) whether any of the persons employed in such services made representation to the election authorities to give facilities to exercise their vote during the last Kerala election; and

(c) whether Government will take any steps to enable this class of citizens also to exercise their franchise?

The Deputy Minister of Law (Shri R. M. Hajarnavis): (a) No special facility is provided for voting by the "running staff" of the Railways and other Government Transport Services. If they cannot appear in person, they are unable to exercise their franchise. Such of them, however, as are on election duty can avail of the facility of postal ballot in accordance with rule 44 of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1956.

(b) The Kerala Water Transport Corporation had made a representation to the Election Commission and workers of the Corporation employed in boats and ferries commandeered by the Government for election purposes were allowed the facility of postal ballot under the provisions of rule 44 of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1956.

(c) It would be invidious to provide special facilities to the "running staff" of the Railways and other Government Transport Services if such facilities are not extended also to like staff of other similar services.

Elwin Committee Report

2678. **Shri P. K. Deo:**
Shri P. C. Borooah:
Shri Aurobindo Ghosal:
Shri B. Das Gupta:
Shri Hem Barua:
Shri Damar:

Will the Minister of **Home Affairs** be pleased to state:

(a) whether the Committee headed by Dr. Elwin has submitted its report on the working of the various multi-purpose tribal blocks; and

(b) if so, what are the main recommendations of the Committee?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) Yes, Sir.

(b) The Report is being examined. A statement showing its salient recommendations are, however, laid on the Table of the House. [*See* Appendix IV, annexure No. 85].

Grants to Orissa for Scheduled Castes and Scheduled Tribes

2679. Shri B. C. Mullick: Will the Minister of **Home Affairs** be pleased to state:

(a) whether the money allocated for Orissa for the grant of legal assistance to the Scheduled Castes and Scheduled Tribes for the year 1959-60 has been completely utilised;

(b) if so, the total number of persons helped in the State of Orissa during 1959-60; and

(c) what procedure was adopted to grant the legal assistance to the deserving people?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) No, Sir.

(b) Complete information in this regard is not yet available from the State Government. However, available information shows that 32 Scheduled Castes in the districts of Puri, Sambalpur, Koraput and Keonjhar and 7 Scheduled Tribes in the district of

Sambalpur had been selected for legal assistance.

(c) The selection of persons is made in consultation with the district personnel working under the Depressed Classes League and the Sub-divisional officers. In regard to Scheduled Tribes persons, selection is made in consultation with the Revenue Officers.

Training of Indonesian Air Force Personnel

2680. Shri Aurobindo Ghosal: Will the Minister of **Defence** be pleased to state:

(a) whether the Indonesian Air Force personnel are to receive training in the Indian Air Force; and

(b) if so, how many and for what period?

The Minister of Defence (Shri Krishna Menon): (a) and (b). Yes, we have certain friendly arrangements with the Government of Indonesia to assist in training, just as we have had with some other countries friendly to us in respect of our Armed Forces. If the House desire further information to be made public, we would, out of courtesy to the Indonesian Government, have to obtain their consent for publication.

Court Fee in Manipur

2681. Shri L. Achaw Singh: Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that court fee stamp of 50 naya paisa has been allowed to be affixed on each complaint by the Additional District Magistrate of Manipur and Magistrates subordinates to him although under the existing Court Fee Act a court fee stamp of 75 Naya Paisa should have been fixed;

(b) if so, the reasons therefor; and

(c) the total loss of revenue arising out of this?

The Minister of Home Affairs (Shri G. B. Pant): (a) to (c). Under Schedule II of the Indian Court Fees Act, 1870, the value of court fee stamp on petitions to Civil and Criminal Courts is 50 Naya Paisa. This Act was adopted by the Manipur Council in 1948, subject to such modifications as the Assam Government might adopt for their courts. The Council fixed the value of court fee on petitions presented to Civil and Criminal Courts at Rs. 2 for the Chief Court and Re. 1 for all subordinate courts. After integration, the Indian Court Fee Act, 1870, was formally extended to Manipur in 1950. The Assam Court Fee (Amendment) Act, 1950, was, however, already being followed on the strength of the late Manipur Council's order and remained in force in all courts. According to this Act, the value of court fee on petitions presented to subordinate courts was Re. 1. The position was, however, regularised by the enactment of the Manipur Court Fee (Amendment and Validation) Act, 1953, according to which the levy of court fee under the Assam Fee (Amendment) Act, 1950 was also regularised with retrospective effect from the 16th April, 1950. The value of court fee stamp on all complaints to courts of Magistrates has, therefore, all along been Re. 1 and not 50 Naya Paisa. The question of accepting a lower court fee stamp and consequent loss of revenue does not, therefore, arise.

Three Year Degree Course in Andhra Pradesh

2682. Shri Venkatasubbaiah: Will the Minister of **Education** be pleased to state:

(a) whether it is a fact that 8 colleges in Telangana region of Andhra Pradesh where the Three-Year Degree Course has been introduced have been left out for the grant of financial assistance;

(b) if so, the reasons thereof;

(c) whether the State Government has requested to reconsider the matter; and

(d) if so, what are the reactions of the Government?

The Minister of Education (Dr. K. L. Shrimali): (a) Yes, Sir.

(b) As these were new colleges, they did not come within the purview of the Three-Year Degree Course Scheme.

(c) Yes, Sir.

(d) It has since been decided to give Central assistance to such colleges also for the implementation of the Three-Year Degree Course Scheme and the universities concerned have been requested to send their requirements to the University Grants Commission.

Annexation of U.P. Villages by Himachal Pradesh

2683. Shri Raghunath Singh: Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that Himachal Pradesh have annexed several U.P. villages on the border of U.P.; and

(b) if so, the number of villages and their names?

The Minister of Home Affairs (Shri G. B. Pant): (a) No.

(b) Does not arise.

Adoption of Abandoned Babies by Foreign Nationals in Delhi

2684. Shri Raghunath Singh: Will the Minister of **Home Affairs** be pleased to state:

(a) whether abandoned babies in Delhi and New Delhi are being adopted by foreign nationals;

(b) if so, what will be the religion and nationality of those babies?

The Minister of Home Affairs (Shri G. B. Pant): (a) According to information available, two abandoned babies brought up in the Municipal Child Welfare Centre and Maternity Home, Daryaganj, have under the orders of the Court been adopted by foreign nationals since 1958.

(b) Their religion is Christian and they are Indian citizens by virtue of their birth.

Raw Materials for Steel Plants

2686. Shri Shree Narayan Das: Will the Minister of **Steel, Mines and Fuel** be pleased to state what is the cost of assembly of raw materials per ton at Durgapur, Rourkela and Bhilai Steel Plants?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): As in the initial stages raw materials have had to be procured often from sources other than planned for, the cost of supply of raw materials has been both higher and fluctuating. The approximate cost of procuring various important raw materials at the three steel works is as follows:

	Rourkela	*Bhilai*	*Durgapur* (per ton)
	Rs.	Rs.	Rs.
Coal	36 to 38·60	38 to 42·50	28·60 to 34·50
Iron ore	24·30	16·57	28·00
Limestone	15 to 36·00	13·00	31·00

Gibberellin

2687. Shri Shree Narayan Das: Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) whether any Indian Scientists or any scientific institutions either under the control of Government or otherwise have carried on experiment with regard to remarkable properties of gibberellin, one of the strongest growth stimulants in the field of plants;

(b) if so, the results obtained by them in this regard;

(c) whether the scientists carrying this kind of experiments have kept themselves abreast of what has been

or is being done in other countries, specially U.S.S.R.; and

(d) if so, the nature of collaboration and co-operation obtained in this connection?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) Yes, Sir.

(b) Experiments on the effects of gibberellic acid on the growth and yield of several crop plants and fruit trees have been carried on in the Divisions of Botany and Horticulture of the Indian Agricultural Research Institute. The results suggest that some fodder plants like berseem, fruit trees like Sweet lime, rough lemon, grapes and Strawberries and vegetables like cucumber and tomato respond favourably to the application of gibberellic acid. The yield of fodder is increased in berseem, while in other plants the size and the number of fruits are increased. At the Central Rice Research Institute Cuttack, some species of rice seedlings responded favourably to the application of gibberellic acid.

(c) Yes, Sir.

(d) Scientific data and research publications are periodically exchanged. Free samples of gibberellic acid have been obtained from Research Laboratories in the U.K. and U.S.A.

Foundling Home, Darya Ganj, Delhi

2688. Shri D. C. Sharma: Will the Minister of **Home Affairs** be pleased to state:

(a) the number of babies left in the cradle outside the Foundling Home in Darya Ganj, Delhi, during 1959;

(b) the number of boys and girls out of them separately;

(c) the rate of survival of these babies;

(d) the number of babies that have been adopted; and

(e) the number of babies still remaining in the home?

The Minister of Home Affairs (Shri G. B. Pant): (a) 94.

(b) 34 boys and 60 girls.

(c) 18 out of the 94 babies survived.

(d) The Home had 14 unadopted babies at the end of 1958. Out of these and the 18 babies who survived in 1959, 19 were adopted during 1959.

(e) 13.

Nav Hind Girls Higher Secondary School, Delhi

2689. Shri Nek Ram Negi:
Shri Inder J. Malhotra:
Shri Bahadur Singh:

Will the Minister of **Education** be pleased to state:

(a) whether it is a fact that the Nav Hind Girls Higher Secondary School, Delhi, is still charging certain amount over and above the tuition fees and other funds prescribed by Government and does not issue any receipt for this amount;

(b) whether it is also a fact that this amount is being charged as 'Building Fund'; and

(c) if so, what action Government propose to take in this matter?

The Minister of Education (Dr. K. L. Shrimali): (a) No, Sir. The students of the school, however, collected some funds themselves during the period August, 1959, to January, 1960 and handed over the collections to the school authorities which granted proper receipts. These collections have since been stopped.

(b) and (c). As the collections were not made by the school authorities themselves, the question of taking action does not arise.

Happy Teachers' Training Diploma

2690. { **Shri Nek Ram Negi:**
Shri Inder J. Malhotra:
Shri Bahadur Singh:

Will the Minister of **Education** be pleased to state:

(a) whether it is a fact that the diploma of Happy Teachers' Training has been recognised by the Delhi Administration;

(b) if so, what are the details of this training; and

(c) the amount of grant, if any, that is being paid to the institute conducting this training?

The Minister of Education (Dr. K. L. Shrimali): (a) The diploma has been recognised for purposes of employment as teachers in non-Basic pre-Primary and Primary schools only.

(b) The training, which is of 9 months duration, covers all aspects in modern methods of teaching. It lays great stress on practical work, such as action singing, story telling, craft work, preparing of inexpensive and useful apparatus and Visual Aids, Modelling, Free Drawing, P.T. and Games.

(c) No grant is paid by the Government to the institution for conducting the training.

Assistant Commissioners for S.C. and S.T.

2691. Shri Birbal Singh: Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that some posts of Assistant Commissioners for Scheduled Castes and Scheduled Tribes were advertised some months back;

(b) whether it is also a fact that the Union Public Service Commission made their recommendation for these posts in December, 1959; and

(c) when do Government propose to make appointment to these posts?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) and (b) Yes, Sir.

(c) The matter is under consideration.

आयात किया गया इस्पात

२६९२. **श्री प्रकाश वीर शास्त्री:** क्या इस्पात, खान और ईंधन मंत्री यह बताने की कृपा करेंगे कि :

(क) किन-किन फर्मों को वस्तु-विनिमय प्रणाली के अन्तर्गत आयात किया गया इस्पात वितरण के लिये दिया गया ;

(ख) किस किस्म का कितना इस्पात दिया गया तथा कोटे के प्रमाण-पत्रों की संख्या और तारीखें क्या हैं ;

(ग) उन प्रमाण-पत्रों में कितने टन लोहा लिखा हुआ है ;

(घ) क्या यह इस्पात आयातकर्ताओं की सिफारिश पर दिया गया था अथवा लोहा और इस्पात नियन्त्रण अफसरों की सिफारिश पर;

(ङ) क्या यह सच है कि आयात किये हुये इस्पात में से अधिकांश इस्पात आयातकर्ताओं की सिफारिशों पर दिया गया था और जरूरतमन्द कोटे वाले इस्पात के लिये आवेदन पत्र दे सकते हैं इस आशय की सूचना न तो सरकारी और न इंजीनियरिंग या व्यापार संस्थाओं के प्रकाशनों में प्रकाशित की गई थी; और

(च) यदि हां, तो इसके क्या कारण हैं ?

इस्पात, खान और ईंधन मंत्री (सरदार स्वर्ण सिंह) : (क) से (ग). वस्तु-विनिमय प्रणाली (Barter system) के अन्तर्गत लगभग १५ किस्मों के ६२,००० टन इस्पात का आयात और वितरण अब तक

किया गया है । इसमें लगभग १५०० पार्टियां और २००० कोटे के प्रमाण-पत्र अन्तर्ग्रस्त हैं । फर्मों के नाम इस्पात की किस्म तथा मात्रा, कोटे के प्रमाण पत्रों की संख्या और तारीखें और प्रत्येक कोटा-प्रमाण-पत्र में दी गई इस्पात मात्रा के ब्यौरे तत्काल उपलब्ध नहीं हैं क्योंकि इसके संकलन में काफी समय तथा परिश्रम लगेगा ।

(घ) से (च). आम तौर पर लोहा और इस्पात नियन्त्रक सीधे ही कोटा-होलडर्स (quota holders) को कोटा निर्धारित किरता है । कुछ मामलों में उन आयात कर्ताओं ने, जिन्होंने माल आयात किया हुआ था और जिनकी पूंजी रुकी हुई थी कोटा-होलडर्स से मिल कर उनकी इस्पात की मांगों को पेश करके मौचन-आदेश प्राप्त किये । विनिमय-प्रणाली के अन्तर्गत इस्पात-आयात के लिये जारी किये गये आयात-लाइसेंसों और आशुल्क-निष्कासन-अनुज्ञाओं के विवरण इण्डियन ट्रेड जनरल (Indian Trade Journal) में समय समय पर प्रकाशित होते रहते हैं ।

इस्पात का आयात

२६९३. **श्री प्रकाश वीर शास्त्री :** क्या इस्पात, खान और ईंधन मंत्री यह बताने की कृपा करेंगे कि :

(क) वस्तु-विनिमय प्रणाली के अन्तर्गत किन आयातकर्ताओं ने कितना इस्पात आयात किया ;

(ख) आयात किया गया इस्पात किस किस्म का और कितने टन था;

(ग) प्रत्येक किस्म के इस्पात की दर क्या थी; और

(घ) वह किन तारीखों को आयात किया गया ?

इस्पात, खान और ईंधन मंत्री (सरदार स्वर्ण सिंह) : (क) से (घ). वस्तु-विनिमय प्रणाली के अन्तर्गत जनवरी १९५९ से फरवरी १९६० तक की अवधि में २४ फर्मों को इस्पात के आयात के लिये आयात-लाइसेंस दिये गये । आशुल्क निष्कासन अनुज्ञाओं के अनुसार वस्तु-विनिमय प्रणाली के अन्तर्गत कुल ६०,६३३ टन इस्पात का आयात हुआ । आयात किये गये इस्पात की मुख्य मुख्य किस्में और दरें निम्न लिखित हैं । इस्पात के मूल्य निर्यात किये गये माल के मूल्य तथा कितना और किस किस्म का इस्पात आयात किया गया आदि के आधार पर बदलते रहते हैं ।

किस्म	एक टन का मूल्य
१. टिन प्लेटस्	१०५६ से १०९१
२. ब्लैक-शीटस् (प्लेन)	७०९ से ९१४
३. गलव्नाइज्ड-शीटस् (प्लेन)	९८० से १०६८
४. प्लेटस्	५७५ से ७४०
५. गलव्नाइज्ड वायर	७२७ से ९४६
६. बाक्स स्ट्रपेगिज्ड स्टरिस आदि	६३९से १११९

आयात कर्ताओं के नाम, उन में से प्रत्येक के द्वारा आयात किये गये इस्पात की किस्में और तारीखें आदि तत्काल उपलब्ध नहीं हैं और इन के संकलन करते में काफी समय और परिश्रम लगेगा ।

Co-operative Societies

2694. **Shri Raghunath Singh:**
Sardar A. S. Saigal:

Will the Minister of **Home Affairs** be pleased to state:

(a) whether the objections, on account of which the scheme of COSSONIL Co-operative Society for handling the Nicobar trade was disapproved, apply to the Car Nicobar Trading Co., and Nancowrie Trading Co., handling that trade at present;

(b) whether it is a fact that capital of the village co-operative societies of Nicobar islands in these firms is in

contravention of Section 32 of the Co-operative Societies Act, 1912;

(c) whether it is a fact that the Nicobarese, who are not otherwise required to take trading licences under the Protection of Aboriginal Tribes Regulation, have to pay and/or bear half the amount of trade licence fee and royalty on export of copra etc.; and

(d) what action Government propose to take to rectify the situation?

The Minister of Home Affairs (Shri G. B. Pant): (a) No.

(b) No.

(c) Yes.

(d) The Nicobarese Village Co-operative Societies are being encouraged to purchase more shares in the Car Nicobar Trading Co. and the Nancowrie Trading Co., so that ultimately the entire trade would be transferred to the Nicobarese.

Forests in Andamans

2695. **Shri Raghunath Singh:**
Sardar A. S. Saigal:

Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that 400 acres of forest area in the Burmah Nallah Cowdya Ghat Reserve Forest in the Andaman Islands was marked for coconut plantations and the Forest Department estimated the yield of woods from this area at 4 tons of marketable timber per acre; and

(b) whether after clearing and burning woods in 100 acres, Forest Department found that over 15 tons of timber per acre was available in the area, and the contractor was penalised to the extent of Rs. 8,000 for damaging the match wood by burning?

The Minister of Home Affairs (Shri G. B. Pant): (a) Four hundred acres of forest area in the Burmah Nallah Cowdya Ghat Reserve Forest was earmarked for coconut plantations in 1956. The Forest Department did not at any time estimate the yield of marketable timber from this area at 4 tons per acre.

(b) On the basis of a sample survey carried out in January, 1957, over an area of 30 acres, the exploitable timber was estimated at 25 tons per acre. The actual extraction undertaken over 100 acres yielded about 25 tons per acre. A penalty of about Rs. 8,800 was imposed on the contractor for demaging match-wood by burning in contravention of the terms of the contract.

Appointments and Promotions in Andamans

2696. **Shri Raghunath Singh:**
Sardar A. S. Saigal:

Will the Minister of **Home Affairs** be pleased to refer to the reply given to Unstarred Question No. 427 on the 6th June, 1951, that the local people in the Andamans would be given preference in local appointments and promotions, and state:

(a) whether this policy is being followed;

(b) why incumbents of the local revenue cadre who are graduates and have many years' experience and possess powers of first class magistrate have not been given any of the posts of Revenue Assistant Commissioner, Port Blair, Assistant Commissioners, Mayabundar and Car Nicobar which have been filled twice during the last 3 years with officers imported from the mainland;

(c) whether it is a fact that the Chief Commissioner has recently ordered all Tahsildars in the Andamans not to apply for any higher posts; and

(d) if so, the reasons therefor?

The Minister of Home Affairs (Shri G. B. Pant): (a) Yes.

(b) The local revenue officers did not possess the requisite experience

for the post of Assistant Commissioner prescribed under the rules and the appointments were made in consultation with the Union Public Service Commission.

(c) Yes.

(d) As the claims of all eligible officers are invariably considered when filling up higher appointments, there is no need for any Tahsildar to apply for higher posts unless it is in response to an advertisement.

Wealth-Tax

2697. { Shri S. M. Banerjee: / Shri Chintamoni Panigrahi:

Will the Minister of **Finance** be pleased to state:

(a) the total amount of wealth-tax which remains unrecovered on 1st February, 1960;

(b) the reasons for the same; and

(c) the steps taken by Government in this regard?

The Minister of Finance (Shri Morarji Desai): The necessary information is being collected and will be placed on the Table of the House.

All India Services

2698. Shri Harish Chandra Mathur: Will the Minister of **Home Affairs** be pleased to state:

(a) what is the number of All India Officers selected from each of the various States during the last 10 years;

(b) whether it is a fact that some of the States are very poorly represented;

(c) if so, the reasons therefor; and

(d) the steps taken to correct the imbalance?

The Minister of Home Affairs (Shri G. B. Pant): (a) Two statements giving the requisite information are laid on the Table. [*See* Appendix IV, annexure No. 86].

(b) Yes. The number of candidates who qualify in the examination from some of the States is comparatively small.

(c) and (d). Recruitment to the I.A.S./I.P.S. is made on merit on the basis of annual competitive examinations conducted by the Union Public Service Commission on an All-India and not on a regional basis and hence the best candidates are selected for these services. With progress of education in the States which have been lagging behind, the disparity will, it is hoped, cease.

Arrears in High Courts

2699. Shri Harish Chandra Mathur: Will the Minister of **Home Affairs** be pleased to state:

(a) what improvement, if any, has been effected in the arrears of old cases pending in various High Courts; and

(b) what steps have been taken or are proposed to be taken in this matter?

The Minister of Home Affairs (Shri G. B. Pant): (a) and (b). A statement is laid on the Table of the House. [*See* Appendix IV, annexure No. 87].

कुछ कल्याण केन्द्रों के कर्मचारी

*२७००. **श्री डामर :** क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) केन्द्रीय सरकार द्वारा मध्य प्रदेश के धार और झाबुआ जिलों में चलाये जा रहे कल्याण केन्द्रों में प्रबन्ध में लिये कितने कर्मचारी नियुक्त किये गये हैं;

(ख) उनमें अनुसूचित जाति और अनुसूचित आदिम जाति के कितने व्यक्ति हैं; और

(ग) इन कल्याण केन्द्रों पर उनकी स्थापना से लेकर अब तक कुल कितना व्यय हुआ है ?

गृह-कार्य उपमंत्री (श्रीमती आल्वा) : (क) से (ग). मध्य प्रदेश सरकार से सूचना मांगी जा रही है और प्राप्त होने पर लोक-सभा की मेज पर रखी जायेगी।

अफ्रीकी छात्रों को छात्रवृत्तियां

२७०१. **श्रीमती मिनीमाता** : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि भारत में विज्ञान के विषयों (मानव विद्या के विषयों को छोड़ कर) की उच्च शिक्षा के लिये १९६०-६१ में कितने अफ्रीकी छात्रों को छात्र वृत्तियां दी गई ?

शिक्षा मंत्री (डा० का० ला० श्रीमाली): ३९।

दिल्ली में स्त्रियों का अनैतिक व्यापार

२७०२. **श्रीमती मिनीमाता** : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) सरकार ने कितनी भतपूर्व वेश्याओं के लिये दिल्ली में अब तक सम्मान-जनक काम की व्यवस्था कर दी है ; और

(ख) क्या भूतपूर्व वेश्याओं के बच्चों को पालने और उनकी शिक्षा के लिये दिल्ली में कोई सरकारी सहायता प्राप्त योजना बनाई गयी है ?

गृह कार्य उपमंत्री (श्रीमती आल्वा): (क) जी नहीं।

(ख) जिन बच्चों के माता पिता या रक्षक, जो कि उनकी नियमानुसार रक्षा करता हैं, नहीं हैं, उन बच्चों को पालने और उनकी शिक्षा के लिये बच्चों के गृह (चिल्डरन्स होम— Children's Homes) में प्रबन्ध किये गये हैं। यह बच्चों का गृह अभी दिल्ली प्रशासन द्वारा चालू हुआ है। अनाश्रित और उपेक्षित बच्चों का पुनर्वास और देख भाल करने वाली स्वेच्छापूर्वक कल्याण संस्थाओं को केन्द्रीय सामाजिक कल्याण बोर्ड (Central Social Welfare Board) द्वारा अनुदान भी दिया जाता है।

आय-कर

२७०३. **श्री डामर** : क्या वित्त मंत्री यह बताने की कृपा करेंगे कि :

(क) मध्य प्रदेश के रतलाम, झाबुआ और धार जिलों के आय-कर परिमण्डलों में इनके भारत संघ के साथ वित्तीय एकीकरण के बाद से १९५९ के अन्त तक कितना आय-कर वसूल किया गया; और

(ख) इन जिलों में कितने व्यक्ति हजारों में आय-कर देते हैं और कितने सैकड़ों में ?

वित्त मंत्री (श्री मोरारजी देसाई) : (क) और (ख). सूचना इकट्ठी की जा रही है और उसका विवरण, जितनी जल्दी हो सकेगा, सभा की मेज पर रख दिया जायगा।

Arya Higher Secondary School, Lody Colony, New Delhi

2704. **Shri Ram Krishan Gupta:** Will the Minister of **Education** be pleased to state:

(a) whether Government have received any complaint regarding the mis-management and embezzlement of funds of Arya Higher Secondary School, Lody Colony, New Delhi; and

(b) if so, the nature of the action taken or proposed to be taken in this regard?

The Minister of Education (Dr. K. L. Shrimali): (a) Yes, Sir.

(b) The complaint is being investigated.

Rubber Plantation in Andamans

2705. **Sardar A. S. Saigal:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that out of a plantation of teak and padauk (Tannel method) at Manglutan, Port Blair an area of 100 acres which used to supply timbers to the nearby villages and whole requirement of

bamboos of Government and half of Port Blair villages, has been allotted by the Chief Commissioner to one Kamal Das for rubber plantation;

(b) whether another area of 100 acres out of this plantation is earmarked for coconut plantations and there are other applicants for additional areas out of this plantation; and

(c) if so, why has the Forest Department recommended the deforestation of this area on which so much time and money has been spent on raising teak and padauk plantation?

The Minister of Home Affairs (Shri G. B. Pant): (a) and (c). Shri Kamal Das has been allotted 100 acres of forest land at Manglutan for raising a rubber plantation. This area includes a few stray teak and padauk trees. It is, however, not a plantation raised by the Forest Department. There is no plantation of Padauk and teak standing at Mangultan according to the records of the Forest Department. It is not correct that the area in question used to supply building material to nearby villages and meet the entire requirements of bamboos of Government and half of Port Blair villages. Even the villagers of Manglutan meet their requirements of bamboos and other materials from elsewhere.

(b) An area of 160 acres adjoining that of Shri Kamal Das is earmarked for coconut plantation but it has not yet been cleared. Information as to whether there are other applicants for additional areas out of this plantation is being collected and will be laid on the Table.

Theft of Aerial Photos and Maps

2706. Shri Dinesh Singh: Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) whether some stores including aerial photos and maps have been reported missing from the office of Geological Survey of India; and

(b) if so, the details thereof?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) Some allegations regarding alleged missing of aerial photos and stores were investigated by Director, Geological Survey of India but found to be baseless by him.

(b) Does not arise.

Deputy Collectors, Kerala

2707. Shri Maniyangadan: Will the Minister of **Home Affairs** be pleased to state:

(a) the number of Deputy Collectors who were allotted from Madras State to Kerala State on the re-organisation of States in 1956 from out of the officers who had already been selected and included in the I.A.S. emergency list of 1956 from Madras State;

(b) whether all of them have since been absorbed into the I.A.S.;

(c) whether among the other Deputy Collectors allotted from Madras State to Kerala State there were officers who were qualified for being selected to the I.A.S. grade in 1957 under the system of promotion quota;

(d) whether at the interview for selection to the I.A.S. held in December 1957 all persons qualified for selection were called for interview; and

(e) if any officer was not called for interview the reasons therefor?

The Minister of Home Affairs (Shri G. B. Pant): (a) Two officers were finally selected.

(b) Yes.

(c) Yes.

(d) No.

(e) It is not obligatory under the I.A.S. (Appointment by Promotion) Regulations, 1955, for the Selection Committee to interview the officers, but they are free to interview any or all of the eligible officers, if they consider it necessary.

केन्द्रीय हिन्दी शिक्षा महाविद्यालय, आगरा

२९०८. { **श्री मधुसूदन राव :**
श्री प्रकाश वीर शास्त्री :

क्या **शिक्षा** मंत्री यह बताने की कृपा करेंगे कि :

(क) सरकार आगरा में केन्द्रीय हिन्दी शिक्षा महाविद्यालय की स्थापना पर कितना अनावर्तक और आवर्तक व्यय करेगी ;

(ख) उन सत्रह संस्थाओं के नाम क्या हैं जो महाविद्यालय की सहायता करेंगी ;

(ग) क्या इस महाविद्यालय की शाखायें देश के अहिन्दी भाषी क्षेत्रों में खोली जायेंगी ; और

(घ) यदि हां, तो ये कहां कहां खोली जायेंगी और किन-किन क्षेत्रों में काम करेंगी ?

शिक्षा मंत्री (डा० का० ला० श्रीमाली) (क) केन्द्रीय हिन्दी शिक्षण मण्डल की कार्यकारणी सभा ने पहली बैठक (१४-४-६०) में यह तय किया है कि महाविद्यालय की स्थापना के सम्बन्ध में एक सविस्तार योजना शीघ्र तैयार की जाए । व्यय का फैसला योजना तैयार हो जाने पर ही हो सकेगा ।

(ख) महाविद्यालय एक स्वतन्त्र संस्था होगी जिसका सारा खर्च केन्द्रीय सरकार उठायेगी । किसी दूसरी संस्था द्वारा सहायता का प्रश्न ही नहीं उठाता । केन्द्रीय हिन्दी शिक्षण मण्डल महाविद्यालय का प्रबन्ध करेगा और इस मण्डल पर १७ संस्थाओं के प्रतिनिधि हैं । इन संस्थाओं के नाम निम्नलिखित हैं:—

१. असम राष्ट्र भाषा प्रचार समिति, गोहाटी ।
२. अखिल भारतीय हिन्दी परिषद् आगरा ।
३. दक्षिण भारत हिन्दी प्रचार सभा, त्यागरायनगर, मद्रास-१७ ।
४. गुजरात विश्वविद्यालय, अहमदाबाद ।
५. हिन्दी प्रचार सभा, हैदराबाद ।
६. हिन्दी साहित्य सम्मेलन, प्रयाग ।
७. हिन्दी प्रचार विद्यालय, हैदराबाद ।
८. कर्नाटक हिन्दी प्रचार सभा, धारवाड़ ।
९. केरल हिन्दी प्रचार सभा, इरनाकुलम ।
१०. महाराष्ट्र राष्ट्र भाषा सभा, पूना
११. महिला महाविद्यालय, श्रीनगर ।
१२. मनीपुर हिन्दी परिषद्, इम्फाल ।
१३. पंजाब प्रान्तीय हिन्दी साहित्य सम्मेलन, जालंधर नगर ।
१४. पश्चिम बंग राष्ट्रभाषा प्रचार समिति, कलकत्ता-२६ ।
१५. राष्ट्रभाषा प्रचार समिति, वर्धा ।
१६. त्रिपुरा राज्य राष्ट्रभाषा प्रचार सभा, अगरतला ।
१७. उत्कल प्रान्तीय राष्ट्रभाषा प्रचार सभा, कटक ।

(ग) महाविद्यालय की कोई शाखा किसी और जगह खोलने का इरादा नहीं है ।

(घ) प्रश्न नहीं उठता ।

Navy Rules

2709. Shri P. C. Borooah: Will the Minister of **Defence** be pleased to state:

(a) whether Government have any proposal to change the Navy rules regarding arrest, detention and service of the naval employees, in view of the difficulties arising in the trial of Commander Nanavati; and

(b) if so, the details thereof?

The Minister of Defence (Shri Krishna Menon): (a) No, Sir.

(b) Does not arise.

भारतीय स्वयं सेवक संघ, बर्मा

२७१०. **श्री प्र० चं० बरुआ :** क्या वैज्ञानिक अनुसंधान और सांस्कृतिक-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि बर्मा में भारतीय स्वयं सेवक संघ नामक एक स्वयं सेवी संस्था अपने हिन्दी प्रचार के कार्यक्रम के एक भाग के रूप में हिन्दी की परीक्षायें लेती है;

(ख) क्या यह भी सच है कि इस संस्था को सीमा-शुल्क के कड़े नियमों के कारण भारत से प्रश्न-पत्र मंगवाने में कठिनाई होती है; और

(ग) इस संस्था को सहायता के लिये क्या कदम उठाये जा रहे हैं ?

वैज्ञानिक अनुसंधान और सांस्कृतिक-कार्य मंत्री (श्री हुमायूं कबिर) : (क) से (ग). सूचना इकट्ठी की जा रही है और सभा की मेज पर रख दी जायगी ।

Issues of Capital Involving Foreign Participation

2711. **Shri D. V. Rao:**
Shri Ramam:
Shri Nagi Reddy:

Will the Minister of **Finance** be pleased to state:

(a) the number of consents granted during the financial year 1959-60 of the new issues of capital involving foreign participation;

(b) the names of the companies;

(c) the articles to be produced;

(d) the location of the factory;

(e) the total capital consented;

(f) the percentage of the foreign participation;

(g) the names of the foreign participants and the countries of the participants; and

(h) the names of the Indian Participants?

The Minister of Finance (Shri Morarji Desai): (a) to (h). A statement giving the information is laid on the Table. [*See* Appendix IV, annexure No. 88].

Civilians in Defence

2712. Dr. Melkote: Will the Minister of **Defence** be pleased to state:

(a) whether civilian employees working in the Defence under the nomenclature of non-combatant, enrolled or un-enrolled are (both) subject to Indian Army Act;

(b) if only one of them is subject to it, then which of them;

(c) whether the benefits provided are admissible to those who are governed under the Army Act are also made admissible to civilians in Defence such as non-combatant enrolled and un-enrolled; and

(d) the specific posts or grades of civilian employees who are so governed under the Indian Army Act?

The Minister of Defence (Shri Krishna Menon): (a) and (b). Non-combatants (enrolled) are subject to the Army Act. Non-combatants (un-enrolled) and civilians become subject to the Army Act under certain special circumstances mentioned in the Act or when the Act is applied to them by notification.

(c) There are variations in the benefits admissible to—

(i) Combatants

(ii) Non-combatants (enrolled)

(iii) Non-combatants (un-enrolled) and civilians when they become subject to the Army Act.

(d) The following is a list of the categories of non-combatants (enrolled) who are subject to the Army Act:—

Barbers
Cooks Special
Cooks Mess
Sweepers
Washermen

Waiters Mess
Abdars
Masalchis
Messengers
Syces

The categories of non-combatants (un-enrolled) and civilian personnel who become subject to the Army Act under the special cricumstances mentioned therein, are liable to variation.

The following categories of civilian employees in the Civil General Transport Companies have been made subject to the Army Act by notification:—

Platoon Supervisors.
Clerks (Upper Division)
Clerks (Lower Division)
Leading Drivers
Mechanics
Assistant Mechanics
Drivers
Tarpaulin makers
Head Camp Guards
Camp Guards
Cooks
Sweepers
Water Carriers.

Bharat Electronics Ltd.

2713. Shri Tangamani: Will the Minister of **Defence** be pleased to state:

(a) whether the target for production of Rs. 1 crore in Bharat Electronics Ltd. for the year 1959-60 has been reached;

(b) if so, the incentives given to the employees and technicians; and

(c) what is the target for the year 1960-61?

The Minister of Defence (Shri Krishna Menon): (a) Yes, Sir.

(b) During 1959-60, double increments have been granted to serve as an incentive to deserving staff on the basis of service records.

A scheme for attendance bonus is also being introduced from the current calendar year.

(c) About Rs. 175 lakhs.

गाजीपुर में भारत सरकार का अफीम का कारखाना

२७१४. **श्री सरजू पांडेय** : क्या **वित्त** मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या गाजीपुर में भारत सरकार के अफीम के कारखाने में काम करने वाले मजदूरों पर कारखाना अधिनियम, १९४८ लागू होता है ;

(ख) यदि हां, तो प्रत्येक श्रेणी में कितने मजदूर काम करते हैं ; **और**

(ग) यदि उपरोक्त भाग (क) का उत्तर नाकारात्मक हो, तो उसके क्या कारण हैं ?

वित्त मंत्री (श्री मोरारजी देसाई) : (क) जी, हां।

(ख) मार्च, १९६० में प्रत्येक श्रेणी के मजदूरों की संख्या इस प्रकार थी :

कुशल मजदूर	३७
आधे कुशल मजदूर	९७
अकुशल मजदूर	*४३९
जोड़	५७३

(ग) यह सवाल पैदा ही नहीं होता।

"रिलीजस बुक बाइबिल सोसाइटी"

२७१५. **श्री अटल बिहारी वाजपेयी** : क्या **गृह-कार्य** मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि दिल्ली में 'रिलीजस बुक बाइबिल सोसाइटी' के नाम से कोई संस्था कार्य कर रही है ;

*इस संख्या में समय समय पर काम करने वाले ३५ मजदूर भी शामिल हैं।

(ख) क्या यह सच है कि उसका प्रधान कार्यालय पाकिस्तान में है ;

(ग) क्या उसे पाकिस्तान से कोई आर्थिक सहायता प्राप्त हुई है ;

(घ) यदि हां, तो उसका ब्यौरा क्या है ; और

(ङ) क्या कोई पाकिस्तानी नागरिक भी इस संस्था में कार्य करते हैं ?

गृह-कार्य मंत्री (श्री गो० ब० पन्त) : (क) जी नहीं । 'इंडिया और सीलोन की बाइबिल सोसाइटी' नामक एक संस्था है ।

(ख) जी नहीं ।

(ग) जी नहीं ।

(घ) प्रश्न नहीं उठता ।

(ङ) जी नहीं ।

Bifurcation of Bombay

2716. { **Shri Agadi:** / **Shri Sugandhi:**

Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that Karnatak people who are in Bombay Government State Service as Grade III Clerks are compulsorily transferred to Gujerat in view of the bifurcation of Bombay State;

(b) if so, the number of persons affected so far; and

(c) the basis on which the transfers are effected?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) to (c). The information is being collected and will be laid on the Table of the House.

Labour and Social Service Camps in Madras

2717. Shri S. R. Arumugham: Will the Minister of **Education** be pleased to state:

(a) the number of labour and social service camps conducted by various social organisations in Madras State during the years 1957-58 and 1958-59;

(b) the achievements during these periods; and

(c) the aid given by the Central Government to conduct the various camps and the places?

The Minister of Education (Dr. K. L. Shrimali): (a)

1957-58 —33 camps.
1958-59 —18 camps.

(b) Apart from giving an opprotunity to students and young people to get into touch with village communities and imbibe a sense of the dignity of manual labour, the camps enabled them to offer 'Shramdan'. A number of small works were executed by the campers, e.g. repair and construction of link and approach roads, levelling of school grounds, digging of manure pits, compost pits, trench latrines and canals; construction of a community hall and hutments for Harijans; white washing of houses of poor villagers; construction of a school building, small culverts and desilting of village ponds. The girl campers performed environmental service, i.e. child care, construction of soak pits and drains near the wells and outside the houses, cleaning of village lanes and construction of smokeless chulas.

(c) *Aid given by the Central Government

1957-58 —Rs. 72,278.46.
1958-59 —Rs. 28,844.20.

A statement showing the places where the camps were conducted, is laid on the Table. [*See* **Appendix IV**, annexure No. 89].

*The figures given for expenditure are liable to revision on settlement of audited accounts.

Central Geophysical Institute

2718. Shri P. K. Deo: Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) whether plans have been prepared for the construction of a Central Geophysical Institute;

(b) where it will be located; and

(c) what will be its estimated expenditure and the nature of work that will be carried on there?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) to (c). The proposal for the establishment of a Central Geophysical Institute under the Council of Scientific and Industrial Research is under consideration and no plans have so far been prepared.

Photo System of Voting

2719. Shri P. K. Deo: Will the Minister of **Law** be pleased to state:

(a) whether the photo system of voting has been introduced in any bye-election recently held in the country;

(b) if so, whether Government are satisfied with the result;

(c) the cost incurred by the Government in this kind of conducting election; and

(d) whether there is proposal to extend this system of voting throughout the country in the ensuing general elections?

The Deputy Minister of Law (Shri Hajarnavis): (a) The system of photographed identity cards is being tried for the first time in the bye-election to Parliament from the Calcutta South-West Parliamentary Constituency.

(b) Since the poll is fixed for the first of May, 1960, it is not possible to say, at this stage, whether Government are satisfied with the result of the experiment.

(c) Government have sanctioned an expenditure of Rs. 3,60,000 for this schem on the basis of approximately rupee one per voter. The issue of identity cards is still continuing. The total expenditure will be known only when the scheme is completed.

(d) There is no proposal to extend the scheme throughout the country for the next general elections. The question whether it should be extended to certain other urban constituencies during the next general elections will be considered by the Election Commission in due course and in the light of the experience gained in the present experiment.

Statues of Foreigners

2720. Shri P. K. Deo: Will the Minister of **Home Affairs** be pleased to state:

(a) whether the statue of General Nicholson has been handed over to a School in North Ireland through the U.K. High Commissioner;

(b) how many statues of foreigners have been removed from Public places at Delhi since Independence; and

(c) where they are kept now?

The Minister of Home Affairs (Shri G. B. Pant): (a) Yes.

(b) and (c). Two. They were delivered to the U.K. High Commission in India for onward transport to the Institutions in U.K. who had asked for them.

Changa Bridge in Ladakh

2721. Shri P. K. Deo: Will the Minister of **Home Affairs** be pleased to refer to the reply given to Starred Question No. 1105 on the 25th March, 1960 and state:

(a) whether four Ladakhis have been arrested for the alleged burning down of the Changa Bridge in Ladakh;

(b) whether they are suspected to be Chinese agents;

(c) whether steps have been taken to rebuild the said Bridge; and

(d) if so, whether it will be a wooden bridge or a reinforced concrete bridge?

The Minister of Home Affairs (Shri G. B. Pant): (a) I have seen a Press report to that effect.

(b) to (d). The Jammu and Kashmir Government have been requested to furnish desired information which will be placed on the Table of the House when received.

अफीम का निर्यात

२७२२. **श्री यादव** : क्या **वित्त मंत्री** यह बताने की कृपा करेंगे कि :

(क) १९४८ से लेकर १९५९ तक किन किन देशों को (देशवार) अफीम का निर्यात किया गया ;

(ख) प्रति वर्ष कितनी अफीम का निर्यात किया गया ; और

(ग) उसका भाव क्या था ?

वित्त मंत्री (श्री मोरारजी देसाई) : (क) से (ग). विवरण सभा पटल पर रखा जाता है । [देखिये परिशिष्ट ४, अनुबन्ध संख्या ९०] ।

खच्चरों की खरीद

२७२३. **श्री यादव :**
श्री अर्जुन सिंह भदौरिया :

क्या **प्रतिरक्षा** मंत्री २१ मार्च, १९६० के अतारांकित प्रश्न संख्या १२८० के उत्तर के संबंध में यह बताने की कृपा करेंगे कि :

(क) क्या खचरों की खरीद के लिये टेंडर मांगे गये थे ;

(ख) यदि हां, तो कितने टेंडर आये और उनमें प्रत्येक खच्चर की अलग-अलग क्या कीमत दी गई थी ;

(ग) क्या खच्चरों की खरीद के लिये सब से कम दाम वाला टेंडर स्वीकार किया गया था ; और

(घ) यदि नहीं, तो इसके क्या कारण हैं ?

प्रतिरक्षा मंत्री (श्री कृष्ण मेनन) : (क) से (घ) सेना के लिये खच्चरों और दूसरे पशुओं की सप्लाई के लिये, समुद्र पार ८ देशों में, जहां पता चला था, कि वह प्राप्त हैं, दूतवासों द्वारा टेंडर मंगवाये गये थे । नियत समय के अन्दर, खच्चरों की सप्लाई के लिये केवल पांच टेंडर प्राप्त हुये थे । ब्यौरा इस प्रकार है :-

	माउंटेन आर्टिलरी के लिये खच्चर	साधारण कामों के लिये खच्चर
१. यूनियन नैशनल प्रोफैशनेल डुशेवल फ्रांस	२३५ पौंड	२२८ पौंड
	३१३४ रुपये	३०४० रुपये
	१८० पौंड	१६५ पौंड
२. सर्वश्री डाट इमील्यो गाडिनी, इटली	२४०० रुपये	२२०० रुपये
३. सर्वश्री हरीन्द्र व रवीन्द्र, दिल्ली	२८०० रुपये	२८०० रुपये
	४५५ डालर	४३५ डालर
४. सर्वश्री जुआन ब्लेड अर्जनटाइना	२१६१ रुपये	२०६६ रुपये
	७०० डालर	६१५ डालर
५. सर्वश्री ग्रम्बेन जैक एंड म्यूल फार्म, यू० एस० ए०	३३२५ रुपये	२९२२ रुपये

सर्वश्री जुग्रान ब्लेड लिमिटिड का टेंडर सब से कम होते हुये भी, स्वीकार नहीं किया गया था, क्योंकि उनकी शर्तों में तबदीली करने की शर्त थी, जो वास्तविकता में, दरों को बढ़ाने की सूरत में बाद में, तबदील हुई भी । उस फर्म ने भारत सरकार की कुछ महत्वपूर्ण शर्तें रा करने से भी इंकार कर दिया था । इसलिये सर्वश्री डाट इमोल्यो गाडिली, इटली से पत्र व्यवहार किया गया है जिन्होंने अन्त में साधारण कार्यों के लिये खच्चर १५० पौंड पर और माउंटेन आर्टिलरी खच्चर, १५४ कौंड प्रत्येक पर देना स्वीकार किये । सर्वश्री हरीन्द्र और रवीन्द्र ने भी सितम्बर १९५९ के अन्त में, अपना तरमीम शुद्धा टेंडर भेजा, जिसकी तुलना में, सर्वश्री डाट इमील्यों गाडिनी को दी गई राशि, इस लगभग १९ लाख के सौदे में केवल ४३३ रुपये अधिक थी ।

Indian Art Exhibition in France

2724. Shri Raghunath Singh: Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) whether an exhibition of art treasures of India has been organised in France which was opened by the French Minister of Cultural Affairs on the 4th April, 1960; and

(b) if so, whether it was appreciated by people there?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a) and (b). Yes, Sir.

Foreign Exchange to Badminton Players

2725. Shri Aurobindo Ghosal: Will the Minister of **Education** be pleased to state:

(a) whether any foreign exchange was granted to the women badminton players who participated in Uber Competition in U.S.A.; and

(b) if so, what is the amount of foreign exchange to whom it was given?

The Minister of Education (Dr. K. L. Shrimali): (a) Yes, Sir.

(b) Foreign exchange facilities for Rs. 36,255 were given to Shri S. R. Ruia, Vice-President, Badminton Association of India and Manager of the team.

Feringis

2726. Shri Aurobindo Ghosal: Will the Minister of **Home Affairs** be pleased to state:

(a) if there is any community in India known as "Feringis"; and

(b) if so, who are they and what is their total number in India?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) and (b). The term 'Feringi' is only a colloquial expression which is explained in the Shorter Oxford Dictionary as follows:

> "Formerly, the Indian term for a European; now used chiefly of the Indian-born Portuguese, and contemptuously of other Europeans".

No separate information is available about "Feringis" as such in the 1941 or 1951 Census.

Loan to Jammu and Kashmir Government

2727. Shri Daljit Singh: Will the Minister of **Home Affairs** be pleased to state:

(a) the total amount of Central loan which is due from Jammu and Kashmir Government as on the 31st March, 1960;

(b) the total amount of interest due thereon; and

(c) whether Kashmir Government have made any payment on account of both these heads?

The Minister of Home Affairs (Shri G. B. Pant): (a) Rs. 27,76,57,694 as on the 31st March, 1959. This does not include the amount under 'Aid to

Kashmir'. The figure as on the 31st March, 1960, is not available at present.

(b) Rs. 2,95,76,147 during 1959-60.

(c) Rs. 8,71,17,579 on account of capital.

All interest due till 1956-57 has been paid by Jammu and Kashmir Government. An amount of Rs. 32,60,531 on account of interest has been paid during 1959-60.

Rumbling Sound near Ongole

2728. **Shri Viswanatha Reddy**: Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether it is a fact that in and near Ongole in Andhra State a low rumbling sound is heard at intervals during the last two or three months;

(b) whether it is also a fact that ever since this phenomenon is observed, the water in all the wells is steadily dropping in level resulting in drought in several places; and

(c) if so, whether any investigation is being made to find out the causes?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a) to (c). It is reported that the Geological Survey of India (which is under the Ministry of Steel, Mines and Fuel) has recently completed an investigation into the occurrence and that its report is awaited.

Income Tax Circle for Kerala State

2729. **Shri A. K. Gopalan:**
Shri Warior:

Will the Minister of Finance be pleased to state:

(a) whether Government have sanctioned the opening of a separate income-tax Circle for Kerala State with head-quarters at Ernakulam under the charge of a Commissioner; and

(b) if so, what steps are already taken thereon?

The Minister of Finance (Shri Morarji Desai): (a) A separate charge under the Commissioner of Income-tax Kerala is already in existence with headquarters at Coimbatore. It has already been decided to shift the Commissioner's headquarters to Ernakulam as soon as suitable accommodation is available.

(b) Efforts are being made to acquire suitable accommodation at Ernakulam.

Central Social Welfare Board Grants to Madras Institutions

2730. **Shri Tangamani:**
Shri Sampath:

Will the Minister of Education be pleased to state:

(a) whether the Central Social Welfare Board has made grants to the institutions in Madras State during 1959-60;

(b) if so, the names of such institutions and the amounts paid during 1959-60; and

(c) the proposals for the year 1960-61?

The Minister of Education (Dr. K. L. Shrimali): (a) Yes, Sir.

(b) a statement giving the requisite information is laid on the Table. [*See* Appendix IV, annexure No. 91].

(c) the Board has sanctioned grants amounting to Rs. 3,02,850 to various institutions in Madras State for utilization during 1960-61.

State Bank and Reserve Bank Branches

2731. **Shri Sampath:**
Shri Tangamani:

Will the Minister of Finance be pleased to state:

(a) whether it is a fact that new branches of State Bank and Reserve

Bank have been opened since the Re-organisation of the States;

(b) if so, the number of branches opened in the State of Madras; and

(c) the present total number in the State of Madras?

The Minister of Finance (Shri Morarji Desai): (a) Yes.

(b) 39 branches and 7 pay offices of the State Bank have been opened in Madras State between the 1st November, 1956 and the 31st March, 1960.

(c) The Reserve Bank has one branch and the State Bank of India 64 branches and 16 pay offices.

Arakilla Moat, Bijapur

2732. Shri Sugandhi: Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) whether Government are aware that the western side wall of the old historic Arakilla Moat (Khandak) along the inner fort in Bijapur is in a most dilapidated condition endangering the public;

(b) whether it is also a fact that portion of the wall adjacent to the Narashimva Temple has many fissures and is likely to crash at any time; and

(c) the action taken or proposed to be taken to protect the temple and to adopt safety measures for the public?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) The dwarf wall on the western side of the Arakilla moat is dilapidated at places.

(b) Yes, Sir.

(c) Repairs to the dilapidated portion of the moat are proposed to be taken up shortly.

Mulk-E-Maidan, Bijapur

2733. Shri Sugandhi: Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) whether it is a fact that a fatal accident occurred recently from the rampart of Mulk-e-Maidan at Bijapur;

(b) how many such accidents have occurred in the past ten years from the same spot; and

(c) the action taken or proposed to be taken to avoid such accidents in future?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) No, Sir.

(b) No accident has occurred in the recent past.

(c) Does not arise. There is already a railing on the periphery of the rampart.

Scheduled Caste Officials in P. & T. Directorate

2734. Shri Manay: Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that the Scheduled Caste officials nominated in the Posts and Telegraphs Directorate under May, 1948 orders were confirmed from the date of joining that office, *i.e.*, from July and August, 1949, whereas their colleagues nominated in other offices were confirmed from 1st December, 1948 under Ministry of Home Affairs orders dated 4th September, 1949; and

(b) if so, the reasons for this discrimination especially when the permanent vacancies from 1st December, 1948 were available and their juniors working in that office were confirmed from that date?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) Yes.

(b) Before the 1st May, 1954, there was no common cadre of clerks for

the various Ministries and Departments. Each Ministry or Department had its own clerical cadre, and grant of confirmation in those cadres was within the discretion of the Ministry or Department concerned. In the present case, the Directorate General of Posts and Telegraphs decided to confirm the Scheduled Caste employees, transferred from other offices, from the very dates they joined that Office.

Industrial Finance Corporation

2735. Shri P. K. Deo: Will the Minister of **Finance** be pleased to state:

(a) whether rules are going to be changed in the Industrial Finance Corporation to give easier loans to small industries;

(b) whether the States will stand guarantee for the repayment of these loans; and

(c) what changes in the rules are contemplated?

The Minister of Finance (Shri Morarji Desai): (a) No, Sir.

(b) and (c). Do not arise.

South Indian Engineering Industrial Manufacturing Association, Coimbatore

2736. Shri S. R. Arumugham: Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) the number of units attached to the South Indian Engineering Industrial Manufacturing Association, Coimbatore;

(b) the monthly requirement of pig iron for these units;

(c) the agencies which are supplying the required quantity;

(d) whether they are facing any difficulty in getting the supply for the past few months; and

(e) the reasons for this shortage?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) 21.

(b) 436 tons per month.

(c) Consumers can obtain pig iron either from the Producers direct in wagon loads or more and also from Controlled Stockholders, according to their convenience.

(d) A complaint about non-supply of pig iron by the Mysore Iron and Steel Works, has been received from the Association late in March, 1960, and the matter is being looked into.

(e) Supply position of pig iron is not difficult. It may be that some units might be experiencing temporary difficulty due to lack of rail transport, non-completion of financial arrangements with the suppliers and non-availability of the particular grade of pig iron.

राजस्थान में खनिज पदार्थ

२७३७. **श्री भोजगजी भाई :** क्या इस्पात, खान और ईंधन मंत्री यह बताने की कृपा करेंगे कि :

(क) दक्षिण राजस्थान के बांसवारा और दुर्गापुर क्षेत्रों में कौन कौन से खनिज पदार्थों का पता लगा है ;

(ख) क्या उन्हें निकालना लाभप्रद होगा ;

(ग) यदि हां, तो क्या सरकार उन्हें निकालने का इरादा रखती है ;

(घ) क्या ऐसे भी कोई खनिज पदार्थ मिले हैं जो देश के अन्य भागों में भी उपलब्ध है ; और

(ङ) यदि हां, तो कितनी मात्रा में ?

खान और तेल मंत्री (श्री के० दे० मालवीय) : (क) दक्षिण राजस्थान में बांसवारा और डूंगरपुर में प्रमाणित खनिज इस प्रकार हैं :—

बांसवारा — तांबा, काला सीसा (Graphite) चूना-पत्थर मैंगनीज, और पाईराइट (Pyrite)

डंगरपुर एसबेस्टोस (Asbestos), बेरल, (Beryl), फैल्सपर (Felspar), चूना पत्थर, मैंगनेसाइट (Magnesite) सटीटाइट (Steatite) कैनाइट (Kyanite) और अभ्रक ।

(ख) और (ग). इस बारे में कोई विचार प्रकट करना असामयिक होगा ।

(घ) तांबा, काला सीसा (Ghaphite), चूना-पत्थर, कच्चा मैंगनेनीज, पाईराइट (Pyrite), एसबेस्टोस, (Asbestos) फैल्सपर (Felspar), मैंगनेसाइट (Magnesite), अभ्रक सटीटाइट (Steatite) और कैनाइट (Kyanite) जो देश के अन्य भागो में पाये जाते हैं यहां भी मिलते हैं ।

(ङ) इन सब खनिज पदार्थों की मात्रा का अभी तक अनुमान नहीं लगाया गया है ।

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Post-basic Institutions in Andhra Pradesh

2738. Shri Madhusudan Rao: Will the Minister of **Education** be pleased to state:

(a) the number of post-basic institutions functioning in Andhra Pradesh with names of places; and

(b) the total number of trainees in each institution?

The Minister of Education (Dr. K. L. Shrimali): (a) There are only two post basic schools in Andhra Pradesh which are located at Pentapadu (West Godavari District) and Tiruvuru (Krishna District);

(b) The number of students on rolls of these schools is 27 (as on 31-3-1959) and 20 (as on 31-3-1960) respectively.

राजकीय अध्यापक प्रशिक्षण कालेज दिल्ली में बुनियादी शिक्षा

२७३९. **श्री म० ला० द्विवेदी :** क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) राजकीय अध्यापक प्रशिक्षण कालेज, दरियागंज, दिल्ली में कितने व्यक्ति बुनियादी शिक्षा प्राप्त कर रहे हैं ; और

(ख) क्या राज्य के और दिल्ली निगम के स्कूलों में नियुक्तियां करते समय सरकार इन व्यक्तियों को प्राथमिकता देगी ?

शिक्षा मंत्री (डा० का० ला० श्रीमाली) : (क) १९० ।

(ख) सरकारी अध्यापक प्रशिक्षण संस्था द्वारा प्रशिक्षित व्यक्ति सिर्फ उन जूनियर बुनियादी और प्राथमिक स्कूलों में पढ़ा सकेंगे जो दिल्ली नगर निगम के अधीन हैं । दिल्ली प्रशासन ने निगम से अनुरोध किया है कि वे जूनियर बुनियादी और प्राथमिक स्कूलों में शिक्षक रखते समय इस संस्था द्वारा प्रशिक्षित व्यक्तियों को तरजीह दें ।

असिस्टेंट

२७४०. **श्री म० ला० द्विवेदी :** क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) केन्द्रीय सचिवालय के ऐसे अस्थायी असिस्टेंटों की संख्या क्या है जिन्होंने अभी तक संघ लोक सेवा आयोग की असिस्टेंट ग्रैड की परीक्षा पास नहीं की या जो ऐसी परीक्षा में बैठे लेकिन असफल रहे ; और

(ख) ऐसे हिन्दी असिस्टेंटों की संख्या क्या है जो संघ लोक सेवा आयोग की परीक्षा पास न करने के कारण निकाल दिये गये हैं ?

गृह-कार्य मंत्रालय में राज्य-मंत्री (श्री दातार) : (क) सूचना प्राप्त नहीं है । इस सूचना को इकट्ठा करने में जितना समय और परिश्रम लगेगा वह अपेक्षित परिणामों के अनुरूप नहीं होगा ।

(ख) कोई भी असफल हिन्दी असिस्टेंट नौकरी से नहीं हटाया गया है। संघ लोक सेवा आयोग की परीक्षा में सफल हुये उम्मीदवारों की नियुक्ति पर ऐसे सारे असफल हिन्दी असिस्टेंटों को अपर डिवीजन क्लर्क या लोअर डिवीजन क्लर्क बना दिया गया है।

Income Tax Arrears

2741. **Shri Dharmalingam:** Will the Minister of **Finance** be pleased to state:

(a) the amount of income tax in arrears during 1958-59 and 1959-60 State-wise; and

(b) the steps taken by Government to collect the arrears?

The Minister of Finance (Shri Morarji Desai): (a) and (b). The information is being collected and a statement giving the required information will be laid on the Table of the House as early as possible.

Central Archaeological Library, Delhi

2742. **Shri Tangamani:** Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) whether it is a fact that membership among Government servants to Central Archaeological Library in Delhi is open only to gazetted officers;

(b) if so, the reasons therefor;

(c) when it will be extended to all Government servants;

(d) whether complaints have been received about present working hours of 10 to 17; and

(e) if so, when it is proposed to extend the time beyond 17 hours?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) No, Sir. It is a departmental Library and its membership is open to all members of the department for purposes of research and reference. In special cases the facilities are extended to bona fide research scholars and students.

(b) and (c). Do not arise.

(d) No, Sir.

(e) Does not arise.

Cultural Delegation from Yugoslavia

2743. **Shri P. C. Borooah:** Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) whether it is a fact that a five member Cultural Delegation arrived from Yugoslavia in India; and

(b) if so, whether any talks were held, and the nature thereof?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a) and (b). Yes, Sir. While at Delhi, the de egation discussed matters of cultural and educational interest with the Ministries of Scientific Research and Cultural Affairs.

Delhi University

2744. **Shri P. C. Borooah:**
Shri Achar:
Dr. Ram Subhag Singh:
Shri Vajpayee:
Shri Nek Ram Negi:

Will the Minister of **Education** be pleased to state:

(a) whether it is a fact that the University of Delhi has appointed a Committee to enquire into the disorderly conditions in the University area; and

(b) if so, how do Government propose to assist the University in its present law and order problem?

The Minister of Education (Dr. K. L. Shrimali): (a) No, but the Vice-Chancellor has appointed a Committee consisting of the Proctor and some ex-Proctors to review the existing proctorial arrangements in the Campus and to make suggestions for the maintenance of proper discipline within the University Campus.

(b) The matter primarily concerns the University of Delhi.

Life Insurance Corporation

2745. Shri Mahanty: Will the Minister of **Finance** be pleased to state:

(a) the total number of scrips of Ashok-Leyland in terms of values purchased by the Life Insurance Corporation;

(b) the break-up of the scrips price-wise;

(c) the date of purchase; and

(d) the date of the approval of the Investment Board of the Life Insurance Corporation to the purchase under reference?

The Minister of Finance (Shri Morarji Desai): (a) to (d). The information is being collected and will be laid on the Table of the House as soon as possible.

Free Passes for Railway Travel for Central Government Employees

2746. Shri Madhusudan Rao: Will the Minister of **Home Affairs** be pleased to state:

(a) whether there is a proposal to give free passes for railway travel for all Central Government employees; and

(b) if so, the progress made?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) No.

(b) Does not arise.

Jhum Fields of Tribals

2747. Shri Dasaratha Deb: Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that the jhum fields of 50 tribals of Maldanbari under Khowai sub-division Tripura have been set on fire untimely by the members of the survey Party of the Tripura Administration;

(b) if so, what steps have been taken to enable those affected jhumias to remake jhum fields elsewhere; and

(c) whether any compensation for the damage of jhum fields has been offered to the affected people?

The Minister of Home Affairs (Shri G. B. Pant): (a) to (c). Some forest area reported to have been selected by certain tribal jhumias of Maidanbari somehow caught fire. Enquiries made revealed that the fire was not caused by any member of the Survey Party. In the circumstances, the question of providing alternative areas for jhum-cultivation or of payment of any compensation does not arise.

Houses for Scheduled Castes in Jammu

2748. Shri B. K. Gaikwad: Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that the localities selected for construction of houses for the Schedu ed Castes in Jammu through the Social Welfare Department are far away from the Jammu City;

(b) whe'her it is a fact that there are considerable vacant housing sites available in Jammu city proper; and

(c) if so, the reason for constructing such separate localities of Scheduled Castes?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) to (c). The information is being collected from the Govt. of Jammu and Kashmir and will be placed on the Table of the House as soon as it is received.

Rourkela Township

2749. Shri P. G. Deb: Will the Minister of **Steel, Mines and Feul** be pleased to state:

(a) the up-to-date progress made in the construction of Rourkela township; and

(b) the total amount spent so far?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) Out of 7,486 hourses taken up for construction 5,622 had been completed by the end of March, 1960, and the balance is in various stages of construction.

(b) Upto the end of March, 1960, a total amount of Rs. 8:95 crores had been spent on the Rourkela Township.

Mining Leases

2750. Shri Madhusudan Rao: Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) whether it is a fact that delay is being caused in effecting transfer of mining lease, granting mining licences etc; and

(b) if so, the measures taken to remedy this?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) There have been a few cases where delay occurred in the disposal of applications for transfer of mining lease and for grant of mining leases, and this was unavoidable as compliance with Rules and policies had to be ensured.

(b) The desirability of disposal of applications for mineral concessions within the stipulated period has been brought to the notice of State Governments several times. The State Governments have also attempted to streamline procedures wherever called for to expedite disposal. Surveys of important mineral-bearing States have also been conducted, which among other things were intended to help in the expeditious disposal of Mining Lease applications. In the case of transfer of Mining Leases some delay has been inevitable in the interest of obviating speculative transactions.

Elections in Kerala

2751. Shri C. K. Bhattacharya: Will the Minister of **Law** be pleased to refer to the reply given to Starred Question No. 1404 on the 11th **April, 1960** and state:

(a) the number of Muslim candidates in last election in Kerala:

(i) Standing on Muslim League Tickets;

(ii) Standing on Congress Tickets;

(iii) Standing on P.S.P. Tickets;

(iv) Standing on other party Tickets; and

(b) the number of Muslim candidates elected in each case?

The Deputy Minister of Law (Shri Hajarnavis): (a) and (b). The necessary information is being collected and will be laid on the Table of the House when available.

Indian Council for Cultural Relations

2752. Shri Daljit Singh: Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) what are the functions of the Indian Council of Cultural Relations;

(b) whether it is a fact that the public meetings arranged by the Council during 1959-60 were mostly on subjects relating to Persian, Arabic and Urdu scholars and poets etc.;

(c) what is the total amount spent by the Council during 1959-60; and

(d) the monthly expenditure incurred by the Council during 1959-60 on pay of the staff and other items?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a) The objects of the Council are:—

(i) to establish, revive and strengthen cultural relations and mutual understanding between India and other countries.

(ii) to promote cultural exchange with other countries; and

(iii) to establish relations with national and international organisations in the field of culture.

(b) No, Sir. The majority of lectures were on diverse subjects relating to many other languages, cultures and regions of the world.

(c) A sum of Rs. 6,50,000 approximately has been spent on the general activities of the Council during 1959-60.

(d) Rs. 19,500 approximately per month on salary of staff, rent and general charges for administration.

Retrenchment of U.D.Cs. and L.D.Cs.

2754. Shri M. B. Thakore: Will the Minister of **Home Affairs** be pleased to state:

(a) the total number of Upper Division and Lower Division Clerks in the age group of 25-30 years retrenched during 1959;

(b) how many of them possess post-graduate qualifications like Library Science, Diploma in Public Administration, Diploma|Degree in Journalism; and

(c) whether Government propose to absorb such qualified retrenched Government employees in their respective fields of specialisation?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) and (b). The information is not readily available and its collection will entail considerable time and labour.

(c) Every effort is being made by the Directorate General of Resettlement and Employment and the Employment Exchanges to absorb retrenched Government employees in comparable posts in the respective fields of specialisation.

हिमाचल प्रदेश के लिये अधिवक्ता

२७५५. **श्री खुशवक्त राय :** क्या गृह-कार्य मंत्री ११ अप्रैल १९६० के तारांकित प्रश्न संख्या १४०३ के उत्तर के संबंध में यह बताने की कृपा करेंगे कि :

(क) हिमाचल प्रदेश के जो अधिवक्ता नियुक्त किये गये हैं उन्होंने कब से कब तक और किन किन न्यायालयों के सामने मुकदमों की वकालत की ;

(ख) इनकी नियुक्ति कब की गयी ; और

(ग) क्या यह भी सच है कि जो १६ मुकदमे विचाराधीन थे उनमें बहस समाप्त हो गयी है और अब हिमाचल प्रदेश का कोई ऐसा मुकदमा नहीं है जिसमें बहस होने की संभावना है ?

गृह-कार्य मंत्री (श्री गो० ब० पन्त) : (क) और (ख). उच्चतम न्यायालय में हिमाचल प्रदेश के लिये स्टैंडिंग कौंसिल (Standing Counsel) की नियुक्ति पांच जनवरी, १९६० से हुई है। उसके पश्चात वह उच्चतम न्यायालय में एक विशेष अवकाश प्रार्थना के मामले में प्रधान सालीसिटर (Solicitor General) के ज्यूनियर के रूप में पेश हुये । उच्चतम न्यायालय के स्टैंडिंग कौंसिल की हैसियत से कार्य करने के अतिरिक्त, उन्होंने जिन मामलों में हिमाचल प्रदेश की ओर से वकालत की, उनकी सूचना अभी प्राप्त नहीं है। और इस सूचना के इकट्ठा करने में जितना समय और परिश्रम लगेगा, वह अपेक्षित परिणामों के अनुरूप नहीं होगा ।

(ग) जी नहीं। अब तक १६ मुकदमों में से केवल १० पर बहस हुई है ।

Law Minister's Press Conference in London

2756. Shri Hem Barua: Will the Minister of **Law** be pleased to state:

(a) whether it is a fact that recently he addressed a Press Conference in London;

(b) if so, what are the subjects discussed by him at the Conference; and

(c) the broad outline thereof?

The Deputy Minister of Law (Shri Hajarnavis): (a) to (c). The Minister of Law did not address any formal Press Conference in London. Some representatives of Indian newspapers met him at his hotel. It was a friendly meeting in which friendly discussions took place. There were no specific subjects for discussion. Questions about Portugual's case in the International Court of Justice, the Conference on the Law of the Sea and Commander Nanavati's case came up for discussion at the meeting.

Ananda Bazar Patrika

2757. **Shri Tangamani:**
Shri S. M. Banerjee:

Will the Minister of **Finance** be pleased to refer to the reply given to Starred Question No. 882 on the 16th March, 1960 and state:

(a) whether the Life Insurance Corporation has made any written proposal to the proprietors of the Ananda Bazar Patrika (P) Ltd., for buying the Qutab Road property in New Delhi;

(b) if so, what is their reply;

(c) whether he knows that a Delhi broker has been writing to different places offering that property for sale and whether the same broker has written a letter to the Prime Minister to the above effect;

(d) whether premises No. 6 of the Bhowani Datta Lane in the list of mortgages to Life Insurance Corporation has been taken over by the Government of West Bengal; and

(e) if so, for what price?

The Minister of Finance (Shri Morarji Desai): (a) to (e). The information is being collected and will be laid on the Table of the House as soon as possible.

Aid to Shri Uday Shankar

2758. **Shri P. C. Borooah:** Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) whether it is a fact that the famous dancer Shri Uday Shankar lost all his equipment in a fire;

(b) if so, whether any assistance will be given for him to rebuild his theatre; and

(c) the amount of assistance being given?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a) The loss is estimated to be over Rs. 40,000.

(b) and (c). Yes, Sir, but the amount has not been decided.

Girl Students in Delhi

2759. **Shri P. C. Borooah:** Will the Minister of **Education** be pleased to state:

(a) whether it is a fact that some co-educational schools in Delhi are charging full fees from the girl students, and not allowing them to avail the admissible concessions; and

(b) if so the action taken or proposed to be taken in the matter?

The Minister of Education (Dr. K. L. Shrimali): (a) Yes, Sir. Under a misunderstanding some of the co-educational schools did realise fees from girl students at the rates prescribed for boys.

(b) Instructions have been issued to the schools concerned to stop this practice and to charge fees from girls at the rates prescribed for them. The amount charged in excess will be adjusted against fees for subsequent months.

Scholarships for Vedic Studies

2760. **Shri P. C. Borooah:** Will the Minister of **Education** be pleased to state:

(a) whether the Education Ministry is having any proposal to give scholarships on Vedic studies and any financial help to Vedic scholars; and

(b) if so, the details thereof?

The Minister of Education (Dr. K. L. Shrimali): (a) No, Sir.

(b) The question does not arise.

Steel Re-rolling Mills in South India

2761. Shri Arumugham: Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) whether Government have invited applications for the setting up of the Steel Re-rolling Mills in the South India; and

(b) if so, how many applications have been received and the action taken thereon?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) No, Sir.

(b) Does not arise.

Cattle Lifting by Pakistanis

2762. Shri D. C. Sharma: Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that cases of cattle lifting by Pakistanis on the Amritsar border have been on the increase;

(b) if so, the number of cattle lifted during 1959-60;

(c) the figures as compared to the corresponding period in 1958-59;

(d) the number of cattle recovered; and

(e) the steps taken or proposed to be taken to check the cattle lifting?

The Minister of Home Affairs (Shri G. B. Pant): (a) No such case has been reported during the last three years.

(b) and (c). Do not arise.

उत्तर प्रदेश में तेल के निक्षेप

२७६३. **श्री राम शंकर लाल :** क्या इस्पात, खान और इंधन मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या उत्तर प्रदेश के बस्ती, गोरखपुर और देवरिया जिलों में राप्ती और घाघरा नदियों के बीच तेल का पता लगा है ;

(ख) क्या यह सच है कि कुछ जर्मन इंजीनियर इसका परीक्षण कर रहे हैं ; और

(ग) यदि हां, तो अब तक क्या प्रगति हुई है ?

खान और तेल मंत्री (श्री कि० दे० मालवीय) : (क) जी, नहीं ।

(ख) जी हां ; फरवरी, १९६० के अन्तिम सप्ताह से, एक जर्मन भूकम्पीय दल, जिसकी सेवायें पश्चिमी जर्मन सरकार ने उपलब्ध कराई हैं, गंगा के उत्तर में गोरखपुर की ओर भूकम्पीय सर्वेक्षण कर रहा है ।

(ग) यह सर्वेक्षण पिछले डेढ़ महीने से हो रहे हैं, और अभी तक प्राप्त सूचना से किसी निश्चित परिणाम पर पहुंचने का समय नहीं हुआ ।

Rehabilitation of Refugees in Tripura

2764. Shri Dasaratha Deb: Will the Minister of **Home Affairs** be pleased to state:

(a) whether Government have prepared a scheme to rehabilitate refugees in Ludna area of Sub-Division of Subroom in Tripura;

(b) whether about 150 settled tribal families are likely to be evicted in Ludna for the settlement of refugees;

(c) whether any representation has been made to Government seeking protection of the tribals of Ludna; and

(d) if so, what steps are being taken in the matter?

The Minister of Home Affairs (Shri G. B. Pant): (a) to (d). The information is being collected and will be laid on the Table.

Researches on Antibiotics

2765. **Shri D. C. Sharma:** Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) whether there is a proposal under consideration of the Government to establish a laboratory wholly devoted to researches on antibiotics;

(b) if so, where the laboratory will be set up; and

(c) the total amount to be spent on the same?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a) to (c). A suggestion to set up such a laboratory during the Third Five Year Plan is being examined and details will be known only after the examination is completed.

Southern Zonal Council

2766. **Shri P. G. Deb:**
Shri Arjun Singh Bhadauria:
Shri S. A. Mehdi:

Will the Minister of **Home Affairs** be pleased to state:

(a) whether a meeting of the Southern Zonal Council was held in New Delhi recently; and

(b) if so, what decisions were taken thereat?

The Minister of Home Affairs (Shri G. B. Pant): (a) Yes.

(b) A copy of the proceedings of the meeting will be placed in the Parliament Library, after these have been finalised.

Goodwill Mission of Indonesian Naval Ships

2767. **Shri Raghunath Singh:** Will the Minister of **Defence** be pleased to state whether Indonesian Naval Ships are visiting some Indian naval bases and ports on a goodwill mission?

The Minister of Defence (Shri Krishna Menon): Yes, Sir. Three ships of the Indonesian Navy will be paying Informal visits to Bombay and Cochin from 29th April to 3rd May, 1960 and from 5th to 8th May, 1960 respectively.

Loans to Adivasis

2768. **Shri Sanganna:**
Shri S. C. Samanta:

Will the Minister of **Home Affairs** be pleased to refer to the reply given to Starred Question No. 444 on the 1st December, 1959 and state:

(a) whether any further steps have been taken by the State Governments in respect of loans to Adivasis; and

(b) if so, the details thereof?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) and (b). A statement giving further reports received from the State Governments and Union Administrations is laid on the Table of the House.

STATEMENT

1. *Madhya Pradesh.*—The techno-economic survey of the Scheduled and Tribal areas through the National Council of Applied Economic Research, New Delhi, which would also assess the indebtedness amongst the Tribals has not yet been completed. The State Government also propose to frame a special "Debt Relief Regulation" to save the Tribals from the clutches of money lenders.

2. *Mysore.*—The State Government propose to afford protection to tribals against indebtedness by means of legislation. The State Government have been requested to take steps to find out the extent of the problem in the State.

3. *Tripura.*—The Union Administration have not yet been able to assess the extent of the problem. But they have stated that according to the reports received by them, debt due to the private money lenders is heavy. The Union Administration have taken the following steps to give relief to the tribals:—

(a) An individual tribal cultivator is given loan at a rate not exceeding Rs. 50 repayable within one year and 3½ per cent. interest.

(b) Co-operative Societies are being organised among the tribals.

(c) It is proposed to undertake legislation to prevent money lenders from charging exorbitant rates of interest.

निजाम धर्मार्थ न्यास

२७६९. **श्री भक्त दर्शन :**
श्री विभूति मिश्र :

क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि हैदराबाद के निजाम ने भारत सरकार से प्रार्थना की है कि पाच करोड़ रुपये के उनके धार्मिक न्यास के प्रबन्ध में संचालक मंडल की अध्यक्षता और उन्हें सहायता देने के लिये केन्द्रीय सरकार और आंध्र प्रदेश राज्य सरकार का एक-एक प्रतिनिधि नियुक्त किया जाय ; और

(ख) यदि हां, तो उस प्रार्थना पर क्या कार्यवाही की गयी है ?

गृह-कार्य मंत्री (श्री गो० ब० पन्त) : (क) हैदराबाद के निजाम से इस विषय पर सूचना प्राप्त हुई है ।

(ख) क्योंकि धर्मार्थ न्यास से संबंध रखने वाले मामले अदालत के विचाराधीन हैं अतः इस सूचना पर कोई कार्यवाही नहीं की गई है ।

Police and Civil Service for Delhi and Himachal Pradesh

2770. Shri Ram Krishan Gupta: Will the Minister of **Home Affairs** be pleased to refer to the reply given to Starred Question No. 350 on the 26th November, 1959 and state:

(a) whether the draft rules for the State level Police and Civil Services for Delhi and Himachal Pradesh have been framed and approved; and

(b) if so, the details thereof?

The Minister of Home Affairs (Shri G. B. Pant): (a) and (b). The draft rules are under consideration.

Sale of Copra and Betel-nuts in Nicobar Islands

2771. Sardar A. S. Saigal: Will the Minister of **Home Affairs** be pleased to state:

(a) the quantities of copra and betel-nuts sold by co-operative societies in Car Nicobar and Nancowrie Group of Islands to the licensed trading firms there during the years 1957-58 and 1958-59 respectively;

(b) the prices at which these were sold and the amount these societies received, over and above sale price as their share in the profits of these licensed firms; and

(c) whether under the co-operative law these societies can invest their money in partnership firms as their share of capital or otherwise?

The Minister of Home Affairs (Shri G. B. Pant): (a) The quantities of copra and betel-nuts sold by co-operative societies in Car Nicobar and Nancowrie Group of Islands to the licensed trading firms there during the co-operative year 1957-58 are 37,28,553 lbs. of copra and 3,77,943 lbs. of betel-nuts. Corresponding figures for the co-operative year 1958-59 are 28,66,207 lbs. of copra and 4,26,640 lbs. of betel-nuts.

(b) A statement is laid on the Table. [*See* Appendix IV, annexure No. 92].

(c) Yes; under Section 32(e) of the Co-operative Societies Act, 1912, co-operative societies can invest their funds in any mode permitted by the rules.

Purchase of Copra and Betel-nuts in Nicobar Islands

2772. Sardar A. S. Saigal: Will the Minister of **Home Affairs** be pleased to refer to the conditions of trade licences issued under 'Andaman and Nicobar Islands (Protection of Tribes) Rules', which empower the Chief Commissioner to examine accounts and call for information from a licensee and state:

(a) the varying prices at which Car Nicobar Trading Co., and Nancowrie Trading Co., purchased copra and betel-nuts from tribal people in Nicobar Islands and the different quantities purchased at these varying prices; and

(b) the rate of freight paid by these licensees for the carriage of their copra and betel-nuts from Car Nicobar and Nancowrie Islands respectively to Port Blair by boats of the monopolist trader-partner and by other vessels, if any during the Licensees' accounting years 1957-58 and 1958-59 respectively?

The Minister of Home Affairs (Shri G. B. Pant): (a) The Car Nicobar Trading Co. and Nancowrie Trading Co. do not purchase copra and betel-nuts direct from the tribal people in the Nicobar Islands; they purchase these commodities from the primary co-operative societies of the Nicobarese. The varying prices at which these two Trading Companies purchased copra and betel-nuts from the co-operative societies are shown in the statement placed on the Table. Information regarding the quantities purchased at the varying prices is being collected and will be laid on the Table.

(b) A statement is laid on the Table. [*See* Appendix IV, annexure No. 93].

Sale of Copra and Betel-nuts in Calcutta and Madras

2773. Sardar A. S. Saigal: Will the Minister of **Home Affairs** be pleased to refer to the conditions of trade licences issued under Andaman and Nicobar Islands (Protection of Tribes) Rules which empower the Chief Commissioner to examine accounts and call for information from a licensee and state:

(a) the name of the agency or firm through which and the prices at which Car Nicobar Trading Co. and Nancowrie Trading Co. sold their copra and betel-nuts in Calcutta and Madras;

(b) whether any sales were made to any allied firms of the monopolist trader-partner of above licensed firms;

(c) if so, how do such sales compare with other sales; and

(d) the varying prices and places at which copra was sold to the Port Blair Oil Mill of Akoojee, Jadwet and Co. and quantities delivered during the licensees' accounting years 1957-58 and 1958-59 respectively?

The Minister of Home Affairs (Shri G. B. Pant): (a) Messrs. Car Nicobar Trading Company and Nancowrie Trading Company market their produce in the open market in Calcutta through the following agents:

(i) M/s. D. M. Lockhat & Company,

(ii) M/s. Dawjee Dadabhoy & Company,

(iii) M/s. Khemjee Hansraj,

(iv) M/s. G. H. Doba & Company,

(v) M/s. G. Dass & Company.

Selling prices of copra per md. were Rs. 37 to Rs. 42 during 1957-58, Rs. 40 to Rs. 48 during 1958-59 and Rs. 50 during the latter part of 1959. Selling prices of betel-nuts per md. were Rs. 102 to Rs. 110 during 1957-58, Rs. 110 to Rs. 120 during 1958-59, and Rs. 115 to Rs. 125 during the latter part of 1959. No sales were made at Madras by the two firms.

(b) No sales were made to any such allied firm.

(c) Does not arise.

(d) No sales of copra were made by the two firms to the Port Blair Oil Mill of Akoojee Jadwet and Co. during 1957-58 and 1958-59. Copra was given by the licensee firms to the Oil Mill only for milling.

Staff Committee in National Physical Laboratory

2774. Shri S. M. Banerjee: Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) whether a staff Committee is functioning in National Physical Laboratory; and

(b) if not, the reasons therefor?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a) No, Sir.

(b) Two Associations *viz.*, the Scientific Staff Association and the Technical Staff Association are functioning in the Laboratory. In view of this the need for forming a separate Staff Committee has not been felt.

Staff Benefit Fund in National Physical Laboratory

2775. Shri S. M. Banerjee: Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) the amount of Staff Benefit Fund received by National Physical Laboratory during the last five years;

(b) with whom these funds are placed for according the facilities to staff; and

(c) what facilities are extended to low paid staff from this fund?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a) to (c). There is no 'Staff Benefit Fund' as such, but grants-in-aid totalling Rs. 3,250 have been received by the National Physical Laboratory Staff Club during 1954—59. These augment the Club's own resources which extends facilities for sports and cultural activities to all members of the staff without distinction.

National Physical Laboratory

2776. Shri P. C. Borooah: Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) whether it is a fact that a new device was developed by the National Physical Laboratory, Delhi for heating water with solar energy; and

(b) if so, the details thereof?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a) and (b). Yes, Sir. A domestic water heating device has been developed and its details published in the Journal of Scientific and Industrial Research, 1959, Vol. 18A, No. 2, pp. 51—58.

Non-Hindi Knowing Government Servants

2777. Pandit J. P. Jyotishi: Will the Minister of **Home Affairs** be pleased to state what is the number of non-Hindi knowing staff in the Central Secretariat in the different categories of Services?

The Minister of State in the Ministry of Home Affairs (Shri Datar): Approximately 19,000 (excluding Class IV).

Tajikistan Finds

2778. Shri D. C. Sharma: Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) whether it is a fact that inscriptions made on rocks and stones by Emperor Babar, have been found in Tajikistan, U.S.S.R.;

(b) whether the Government propose to acquire them; and

(c) if so, the action taken or proposed to be taken in the matter?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a) Yes, Sir.

(b) The inscriptions are on very large rocks and the majority of them in a cemetery. It would, therefore, not be a practical proposition to even consider their acquisition.

(c) Does not arise.

I.A.F. Storage Unit

2779. Shri S. R. Arumugham: Will the Minister of **Defence** be pleased to state:

(a) the nature of work being carried on in I.A.F. Storage Unit, Sulur, Madras State;

(b) whether any workshop is attached to that unit for proper maintenance of the planes;

(c) if so, how many technicians and non-technicians are working; and

(d) what are the developments contemplated during the coming years?

The Minister of Defence (Shri Krishna Menon): (a) Mainly storage of Air Force equipment at present.

(b) Yes, Sir. There is a small workshop.

(c) and (d). It will not be in public interest to disclose this information.

हिन्दू उत्तराधिकार ऐक्ट

२७८०. **श्री प्रकाश वीर शास्त्री** : क्या **विधि** मंत्री यह बताने की कृपा करेंगे कि

(क) क्या यह सच है कि पंजाब के भुख्य मंत्री ने केन्द्रीय सरकार से हिन्दू उत्तराधिकार ऐक्ट में संशोधन करने का अनुरोध किया है ; और

(ख) यदि हां, तो क्या इस प्रयोजन के लिये सभा में बिल पेश किया जायेगा ?

विधि उपमंत्री (श्री हजरतबीस) : (क) जी नहीं ।

(ख) प्रश्न ही नहीं उठता ।

अन्दमान और निकोबार द्वीप समूह में विकास योजनायें

२७८१. **श्री म० ला० द्विवेदी** : क्या **गृह-कार्य** मंत्री यह बताने की कृपा करेंगे कि अन्दमान और निकोबार द्वीप समूह में सरकार ने गत वर्ष विकास योजनाओं पर कितना व्यय किया ?

गृह-कार्य मंत्री (श्री गो० ब० पन्त) : सूचना इकट्ठी की जा रही है और सभा-पटल पर रख दी जायेगी ।

कूकी राज्य बनाना

२७८१-क. **श्री रघुनाथ सिंह** : क्या **गृह-कार्य** मंत्री यह बताने की कृपा करेंगे कि क्या यह सच है कि कूकी नदोनमा सभा ने नागा क्षेत्र में नागा राज्य बनाने की मांग के आधार पर कूकी क्षेत्र को मनीपुर के साथ मिलाकर कूकी राज्य बनाने के लिये प्रधान मंत्री को एक ज्ञापन प्रस्तुत किया है ?

गृह-कार्य मंत्री (श्री गो० ब० पन्त) एक ज्ञापन मिला था, परन्तु इसमें कूकी क्षेत्र को मनोपुर के साथ मिलाने की मांग नहीं की गई थी ।

Air Booking of Contraband Opium

2781-B. { Shrimati Renu Chakravartty: Shri S. M. Banerjee:

Will the Minister of **Finance** be pleased to state:

(a) whether it is a fact that contraband opium was seized at Dibrugarh, Assam on the 11th December, 1959;

(b) through which air booking agent this was booked;

(c) the air company in whose aircraft this contraband opium was carried; and

(d) what steps were taken after the seizure?

The Minister of Finance (Shri Morarji Desai): (a) to (d). According to the information received from the Secretary to the Government of Assam, Excise Department, Shillong, no opium was seized at Dibrugarh on the 11th December, 1959 but a quantity of 8 seers opium was seized on the 28th November, 1959. It was found concealed in the false bottom of a steel trunk, declared to contain sanitary towels and booked from Tezpur to Dibrugarh through the Assam Travels (Private) Ltd., Dibrugarh. No other details are yet available as the State authorities have not completed their investigations.

Pensions to Dependents of Ex-Rulers of Orissa

2781-C. **Shrimati Renu Chakravartty:**
Shri S. M. Banerjee:

Will the Minister of **Home Affairs** be pleased to state:

(a) whether instructions have been issued to the Government of Orissa for revival of pensions to the dependents of the ex-rulers;

(b) whether this pension was stopped under orders from the Home Ministry; and

(c) the circumstances under which these instructions have been issued?

The Minister of Home Affairs (Shri G. B. Pant): (a) and (b). No; the allowances to the relatives of Rulers are payable from the revenues of the Government of Orissa and is subject to the vote of the State legislature. The State Government are therefore competent to continue, withhold or discontinue these allowances.

(c) Does not arise.

Manipur Administration

2781-D. Shri D. C. Sharma: Will the Minister of **Home Affairs** be pleased to state:

(a) whether Government have received a representation against the Manipur Administration and about the mass discontent in Manipur, from the leaders of the 'Assembly Demand Co-ordinating Committee'; and

(b) if so, the reaction of Government thereto?

The Minister of Home Affairs (Shri G. B. Pant): (a) and (b). A representation on behalf of an organisation styling itself "The Assembly Demand Co-ordination Committee" has been received containing allegations against certain departments of the Manipur Administration and complaining of lack of adequate progress in the development of the territory. A number of allegations are unrelated to facts while some others are vague or grossly exaggerated.

Strike by Mica Dealers

2781-E. Shri Rajendra Singh: Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) whether it is a fact that the Mica dealers in Hazaribagh District in Bihar State closed business on the 15th March, 1960; and

(b) what remedy has been found out to compensate the loss in foreign exchange due to the strike of Mica dealers?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) Yes, Sir.

(b) No loss in foreign exchange has been reported.

Life Insurance Corporation

2781-F. Shri Aniruddh Sinha: Will the Minister of **Finance** be pleased to lay a statement on the Table showing the list of officers transferred or loaned or deputed to the Life Insurance Corporation by Government from

their cadre of officers and their salaries as on the 31st day of August, 1956 and the 31st day of August, 1959 respectively?

The Minister of Finance (Shri Morarji Desai): A statement is laid on the Table. [*See* Appendix IV, annexure No. 94].

उत्तर प्रदेश और दिल्ली के स्मारक

२७८१ श्री प्रकाश वीर शास्त्री क्या **वैज्ञानिक अनुसंधान और सांस्कृतिक-कार्य** मंत्री यह बताने की कृपा करेंगे कि भारत सरकार ने केन्द्रीय पुरातत्व विभाग के संरक्षण में उत्तर प्रदेश और दिल्ली के स्मारकों पर गत दो वर्ष में कितना धन खर्च किया ?

वैज्ञानिक अनुसंधान और सांस्कृतिक-कार्य उपमंत्री (डा० म० मो० दास) :

राज्य का नाम	वर्ष	खर्च की गई रकम
		रु० नये पैसे
उत्तर प्रदेश	१९५८–५९	६,१८,४४७.३६
	१९५९–६०	६,०९,६७६.३६
दिल्ली	१९५८–५९	३,८७,५४२.६८
	१९५९–६०	५,५६,८१९.१६

Aid to Orissa State

2781-H. Dr. Samantsinhar: Will the Minister of **Home Affairs** be pleased to state:

(a) whether the Government of Orissa have requested the Central Government to grant financial aid to establish 30 Ashram schools and to introduce 13 mobile Industrial Units in the Scheduled areas of the State this year;

(b) if so, what is the decision of the Central Government in this regard; and

(c) the total sum involved in these two above mentioned schemes and how much the Centre would grant?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) Yes, Sir. The Government of Orissa have asked for an additional allotment for 30 Ashram schools and 14 mobile Workshop Units for Scheduled Tribes under the Centrally sponsored programme for 1960-61.

(b) The State Government have been asked to furnish the progress reports for the year 1958-59 and the up-to-date scheme-wise allocations with a view to see whether the schemes could be adjusted within the plan outlay for Scheduled Tribes.

(c) The total amount involved for the schemes of Ashram Schools and Workshops is Rs. 52·50 lakhs. Central Grants for the schemes would depend on the extent to which the State Government are able to find funds within the plan ceiling for Scheduled Tribes.

Heir to the Gaddi of Nawab of Bhopal

2781-I { Shri P. G. Deb: / Shri Arjun Singh Bhadauria: / Shri P. C. Borooah:

Will the Minister of **Home Affairs** be pleased to state:

(a) whether Government have decided about the heir to the Gaddi of Nawab of Bhopal; and

(b) if so, what is the decision?

The Minister of Home Affairs (Shri G. B. Pant): (a) Not yet.

(b) Does not arise.

12.05 hrs.

PAPERS LAID ON THE TABLE

AWARD OF LABOUR COURT, ANDAMAN AND NICOBAR ISLANDS AND RAJASTHAN BHOODAN YAGNA BOARD (RECONSTITUTION) ORDER.

The Minister of State in the Ministry of Home Affairs (Shri Datar): I beg to lay on the Table—

(i) a copy of each of the following papers under sub-section (2) of section 17A of the Industrial Disputes Act, 1947:—

(a) The award of the Labour Court, Andaman and Nicobar Islands, Port Blair, in Industrial Dispute No. 2 of 1959 published in Andaman Nicobar Gazette Notification No. IDA|17|3 dated the 5th July, 1959.

(b) Notification No. 129|59 published in Andaman Nicobar Gazette dated the 30th September 1959, rejecting the above award. [*Placed in Library. See* No. LT-2128|60].

(ii) The Rajasthan Bhoodan Yagna Board (Reconstitution) Order, 1960, published in Notification No. GSR 406 dated the 8th April 1960, under sub-section (5) of section 4 of the Inter-State Corporations Act, 1957. [*Placed in Library. See* No. LT-2129|60].

12.06 hrs.

POINT RE: DISCUSSION OF SINO-INDIAN RELATIONS

Shri Goray (Poona): Regarding the discussion on Sino-Indian relations which you promised to allow, would you give us a full day instead of two hours, because the Prime Minister himself may take about 1½ hours?

Mr. Speaker: No, no. We have fixed it for Friday. I had originally thought that it could be taken up at 3 P.M. and concluded at 5 P.M. or 5.30 P.M. But that day being a non-official day, we will start the discussion earlier, at 12 noon or 12.30 P.M. and carry on for 2 or 2½ hours, whatever is the time available. After that, we will take up non-official business.

Shri Goray: Suppose we agree to forego that.

Mr. Speaker: There are other hon. Members who will not agree to that.

Shrimati Renu Chakravartty (Basirhat): I have no objection to having a full day's debate on Sino-Indian relations. But that time will have to be from the official time. We have never agreed to give up the time for non-official business.

Shri Braj Raj Singh (Firozabad): The Minister of Parliamentary Affairs announced yesterday that two no-day-yet-named Motions fixed for today and tomorrow had been cancelled. Thereby we have saved 4 hours. Again, another Motion fixed for discussion was not taken up. So we have in all saved 6 hours from the official time.

Mr. Speaker: We cannot make that into one day and devote it for this discussion.

Sardar Hukam Singh (Bhatinda): The Motion which was to be taken yesterday was not taken up because none of the Members concerned was present.

Shri Braj Raj Singh: I am not accusing anybody.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): We are already behind schedule by two or three hours. So we have to make up for that time also.

Shri Goray: Within two or three hours, how can this matter be discussed? There are so many issues involved.

Mr. Speaker: It can be discussed.

Shri Mahanty (Dhenkanal): We had given notice of an adjournment motion which you have been pleased to disallow. I am not pressing for that now. But I would like to know from the hon. Prime Minister whether the news about further Chinese incursion reported in the papers is true or not.

Mr. Speaker: It will all come up day after tomorrow. It is not far off. (*Interruptions*).

Shri Hem Barua (Gauhati): We want a reply from the Prime Minister. This news has been put in headlines in the newspapers. The Prime Minister must give some information about it.

Mr. Speaker: Hon. Members will have an opportunity to raise this matter at the time of the discussion on Friday (*Interruptions.*) I am afraid hon. Members are once again, by spurts, obstructing the work of the House.

Shri Mahanty: We do not.

Mr. Speaker: Recently, from time to time, encroachment or other has been reported in the newspapers. Each time it appears in the Press, am I to allow an adjournment motion, particularly in view of the fact that we are going to have a discussion day after tomorrow (*Interruptions*)?

Order, order. Hon. Members cannot think that their opinions alone are right. (*Interruptions*).

Shri Braj Raj Singh: They are 200 miles inside. (*Interruptions*).

Mr. Speaker: Order, order. Those 200 miles are not going to shrink or increase by day after tomorrow. Hon. Members will hold their souls in patience. Shri Gopala Reddi.

12.10½ hrs.

PAPERS LAID ON THE TABLE—*contd.*

NOTIFICATION UNDER SEA CUSTOMS ACT

The Deputy Minister of Finance (Shri B. R. Bhagat): On behalf of Shri Gopala Reddi, I beg to lay on the Table, under sub-section (4) of Section 43B of the Sea Customs Act, 1878, a copy of Notification No. G.S.R. 420 dated the 16th April, 1960. [*Placed in Library. See* No. LT-2130/60).

12.11 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

SIXTY-FOURTH REPORT

Sardar Hukam Singh (Bhatinda): Sir, I beg to present the Sixty-fourth Report of the Committee on Private Members' Bills and Resolutions.

12.11½ hrs.

ESTIMATES COMMITTEE

NINETY-THIRD AND NINETY-FOURTH REPORTS

Shri Dasappa (Bangalore): Sir, I beg to present the following Reports of the Estimates Committee:—

(1) Ninety-third Report on the Ministry of Steel, Mines & Fuel—National Coal Development Corporation Ltd., Ranchi (Reports and Accounts); and

(2) Ninety-fourth Report on the Ministry of Commerce & Industry—Hindustan Machine Tools Ltd., Bangalore (Reports and Accounts).

12.12 hrs.

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

ROAD TRANSPORT OPERATORS' STRIKE IN BOMBAY

Shri Khadilkar (Ahmednagar): Sir, under rule 197, I beg to call the attention of the Minister of Transport and Communications to the following matter of urgent public importance and I request that he may make a statement thereon:

The strike by road transport operators in Bombay.

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): Sir, I have got a two-page statement. It is a long one. Since the strike has been called off, may I have your permission to lay it on the Table?

Shri Khadilkar: He can give a summary of it.

Mr. Speaker: Yes; he may give a brief summary of it.

Shri Braj Raj Singh (Firozabad): Sir, you have already directed that whenever there are long statements, a summary may be prepared by the Minister and read over to the House and the full text may be laid on the Table.

Shri Raj Bahadur: It is not too long to require a summary. At the same time, if you permit me I may read it out.

Mr. Speaker: He may give a summary in one or two sentences.

Shri Raj Bahadur: There were certain demands made by the Federation of Bombay Motor Transport Operators and the latest position was that a deputation of the Federation of Bombay Motor Transport Operators, which included Shri Khadilkar and Shri Ansar Harvani, two Members of Parliament and Shri S. S. More met the Minister of State in the Ministry of Transport on the 13th April. The Minister assured the deputation that the new taxes had not been motivated by any disregarded for the well-being of the industry and that all the genuine grievances of the operators would be looked into sympathetically. The Minister observed that going on strike was not a correct method for the operators to ventilate such grievances. At any rate, by such a method they were putting themselves to a huge financial loss which they could not afford. The Minister, therefore, advised the operators to call off the strike; and the strike has been called off.

I also lay the statement on the Table.

STATEMENT

The demands made by the Federation of Bombay Motor Transport Operators, who were on strike for about ten days since 11th April, 1960, are as follows:

1. Withdrawal of additional taxation burden imposed on Road Transport Trade in the form of additional excise duties on motor vehicles, diesel oil, internal combustion engines, batteries etc., as proposed in the Union Budget estimates for the year 1960-61.

2. Reduction in sale price of petrol and implementation of measures recommended by the Jha Committee.

3. Withdrawal of 50 per cent surcharge imposed on diesel driven vehicles operated in the State of Bombay, an inequitous practice which does not exist in any other State in India.

4. Increasing the Registered Laden Weight (R.L.W.) in respect of all vehicles registered in the State of Bombay without any discrimination, as directed by the Union Ministry of Transport and Communications.

5. Granting of counter-signatures and renewal thereof for long distance

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traffic to all the applicants, without having any consideration for the objections filed by the Government-owned Railways.

6. Preventing profiteering on sales of giant size tyres, rampant in the country, by organizing Fair Price Shops on the lines of those organized in Delhi or regulating the sales and distribution of giant size tyres in terms of the suggestions contained in the Resolution adopted by the All India Conference of Road Transport Operators, held in Bombay on 29th March, 1960.

7. Providing of Stands and Parking places in the vicinity of docks, Railways' Goods-Yards and important local markets and trading centres.

It will be seen that the majority of the demands do not concern the Ministry of Transport and Communications. The question underlying demand No. 1 has already been discussed in the House during the debates on the demands for grants relating to Ministries of Finance and Transport and Communications. The rest of the demands are mainly the concern of the State Government of Bombay. In respect of Demand No. 4, however, we have already advised the State Government to fix Registered Laden Weight of all vehicles registered in that State in accordance with the formula recommended by us to all State Governments. We have also been trying to devise, in consultation with the Ministry of Commerce and Industry, a suitable method for securing the distribution of giant size tyres to the Transport Operators at list prices and have achieved a measure of success. Black marketing in giant size tyres, however, has not been eliminated altogether (Demand No. 6).

As regards Demand No. 5, the matter had been referred to the Neogy Committee and until the Report of that Committee is available no firm policy can be enunciated in respect of long distance operation of transport vehicles.

2. A deputation of the Federation of Bombay Motor Transport Operators, which included Shri R. K. Khadilkar and Shri Ansar Harvani, two Members of Parliament and Shri S. S. More, met the Minister of State in the Ministry of Transport and Communications on 13th April and placed before him the demands mentioned above. The Minister assured the deputation that the new taxes had not been motivated by any disregard for the well-being of the industry and that all the genuine grievances of the operators would be looked into sympathetically. The Minister observed that going on strike was not a correct method for the operators to ventilate their grievances. At any rate, by such a method they were putting themselves to a huge financial loss which they could ill afford. 8he Minister, therefore, advised the operators to call off the strike.

3. The strike was called off on the evening of 19th April, 1960.

Shri Khadilkar: The hon. Minister persuaded the operators to call off the strike. I want to know from the Minister whether in view of the fact that the strike has been called off, he has brought the matter to the notice of the Finance Minister, appealing to his non-violent instinct not to kill the goose in order to get all the golden eggs at one time.

Shri Raj Bahadur: About the question of taxes, the House has fully ventilated its viewpoint during the debate on Ministry of Transport and Communications and also during the debate on the Finance Ministry's Demands. The Finance Minister is well aware of the opinions expressed here.

About the other demands like the R.L.W. and other matters, we are taking them up with the Bombay Government.

Shri Goray (Poona): Instead of starting the non-official business at 2.30 on Friday, if we start at 3.30, we can get 3 hours for the discussion.

Mr. Speaker: We shall see as we progress.

Shri Vajpayee (Balrampur): In the time is not sufficient the purpose of having a debate will be lost.

Mr. Speaker: I have always felt that if an hon. Member is not able to make out his point within 15 minutes he would not be able to make it out even in 150 minutes sometimes.

12·15 hrs.

APPROPRIATION (RAILWAYS) No. 3 BILL, 1960

The Minister of Railways (Shri Jagjivan Ram): Sir, I beg to move*:

"That the Bill to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31st day of March, 1958, in excess of the amounts granted for these services and for that year, be taken into consideration."

Mr. Speaker: The question is:

"That the Bill to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31st day of March, 1958, in excess of the amounts granted for these services and for that year, be taken into consideration."

The motion was adopted.

Mr. Speaker: The question is:

"That clauses 1, 2, 3, the Schedule, the Enacting Formula and the Long Title stand part of the Bill"

The motion was adopted.

Clauses 1, 2, 3, the Schedule, the Enacting Formula and the Long Title were added to the Bill

Shri Jagjivan Ram: Sir, I beg to move:

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

12·17 hrs.

SUPREME COURT (NUMBER OF JUDGES) AMENDMENT BILL

The Minister of State in the Ministry of Home Affairs (Shri Datar): Sir, I beg to move—

"That the Bill to amend the Supreme Court (Number of Judges) Act, 1956, as passed by Rajya Sabha, be taken into consideration."

Sir, this is a simple matter. When the Constitution was inaugurated in 1950, under article 124(1) the number of Judges was fixed at 7 besides the Chief Justice. It was found after about 5 or 6 years that the number was inadequate to cope with the work. Therefore, under the Act of 1956, the number of puisne judges was raised from 7 to 10. Thus, under the 1956 Act, in addition to the Chief Justice, there were 10 puisne judges of the Supreme Court of India. But, even this number has been found, now, to be insufficient to finish the work. There was one special reason for this.

Ordinarily, the work was increasing. As the House is aware, formerly there was the Labour Appellate Tribunal and that was abolished about

*Moved with the recommendation of the President.

[Shri Datar]

the year 1956. That has led to a considerable increase of work on the file of the Supreme Court Judges. That was the reason why this question had to be considered. After discussing this question with the Chief Justice of India, it was found necessary to have at least 3 judges more to cope with this work.

I should like to give the figures so far as the work in the Supreme Court is concerned in order to point out how the arrears have been remaining and why it has become necessary to ask for the appointment of more judges. I would give the figures for 3 years. In 1957, the cases pending at the beginning of the year were 1,714. During the year, institution was 2,489. Out of this number, 1,931 cases were disposed of by the Supreme Court in 1957, leaving an arrears to the extent of 2,272 cases. This may kindly be noted. In the earlier year, 1956, the arrears were 1,714 cases. So, in spite of a considerable measure of disposal, the arrears mounted up to 2,272 cases at the end of the year 1957. In 1958, the figures were these: Pending at the beginning of the year—2,272; instituted during the course of the year—2,482; disposed of during the year—2,326. The House will see that as against the disposals of 1,931 cases in 1957, in 1958 the disposals mounted up to 2,326.

I have to point out the reason why there was a considerable amount of work. In spite of the appointment of 3 judges, the work had increased. At the end of the year the arrears stood at 2,428. At the beginning of the last year, 1959, 2428 cases were pending and 2649 were instituted during the year of which 2479 were disposed of during the year, leaving 2598 cases at the end of the year. In spite of the increase in the number of judges and increase in disposals, this is the position and the Chilef Justice of India considered that unless some steps were taken to increase the number of Judges, it may not be possible to have disposals as early as possible. The ordinary rule followed by the Supreme Court in this respect is that as far as possible criminal cases should be disposed of within six months and civil appeals, etc., within two years. But considering the work piling up before the Supreme Court the Chief Justice of India suggested that we might have the number of the puisne Judges of the Supreme Court increased from ten to thirteen so that the work can be finished as early as possible.

There is also a proposal to revive the labour appellate tribunals. That matter is under consideration and if they are revived there is likely to be some considerable diminution of work before the Supreme Court. All the same what we are now asking for is the power to be given to the President to add three more Judges as and when they are required. It is not that immediately all these Judges will be appointed.

Mr. Speaker: Does he mean to say that these are all temporary Judges?

Shri Datar: We cannot appoint temporary Judges. In the case of the Supreme Court, there is no provision for the appointment of the temporary Judges. When a particular quorum is not available, a retired Judge of the Supreme Court can be called upon to sit on the Bench. But a large number of retired Supreme Court Judges are not available. In fact during the last six or seven years, we had only three retired Judges available and that would not meet the requirements of the Supreme Court. So, it has become necessary to ask for an increase. After this Bill is passed, it will be open to have one Chief Justice and thirteen Judges. In case the work decreases, then it would be possible not to make any appointments except to the extent necessary. In the course of the next two or three years, some Judges of the Supreme Court are going to retire. In these circumstances those who have been appointed newly can carry on the work without necessarily increasing the

number of Judges. So, what has now been said is that we should have on the Supreme Court besides the Chief Justice, thirteen Judges in all. This was the suggestion made by the Chief Justice.

Mr. Speaker: What is the suggestion?

Shri Datar: There will be fourteen in all, including the Chief Justice. At present there are ten Judges, besides the Chief Justice and this was approved in the 1956 Act. In the Constitution it was only seven.

Some hon. Member has tabled an amendment that the number should be sixteen.

Mr. Speaker: I am afraid it is out of order, as it would impose additional financial burden.

Shri Datar: Besides, it is not necessary at present. We do not want to have powers to have more Judges than is absolutely essential. In these things, we are guided and governed by the opinion of the Chief Justice of India himself. He believes that the addition of three Judges would be quite sufficient because according to him it is quite likely that this temporary increase in work is likely to be brought down and secondly, when some more Judges retire in the course of the next two or three years, the number that would then be on the Bench of the Supreme Court would be more or less sufficient. It is not necessary for me to deal with all the amendments but there is an amendment which suggests that a Bench of the Supreme Court should permanently sit at Bangalore. The House would find that this amendment is out of order because there is a provision in the Constitution itself according to which it would be open to the President to have the Supreme Court sit at such place or places as the Chief Justice likes, naturally with the previous consent of the President.

Shri Mohammed Imam (Chitaldrug): I am in fact endorsing what is contained in the Constitution and I do not think that it would be a ground for ruling it out of order because this is in consonance with the Constitution itself. It is perfectly in consonance with what is contained in the Constitution.

Shri Datar: I do not want to deal with this question at this very stage. But as the hon. Member referred to it, may I invite your attention to article 130 of the Constitution which says that the Supreme Court shall sit in Delhi or in such other place or places as the Chief Justice of India may with the approval of the President appoint. It is for the Chief Justice of India to decide and to ask for the approval of the President.

An Hon. Member: But he wants a Bench.

Mr. Speaker: What is his amendment?

Shri Datar: His amendment reads: *for* "thirteen" *substitute*—

> "thirteen of whom such Judges of the Supreme Court at Delhi, being not less than three in number, as the Chief Justice may from time to time nominate shall sit at Bangalore in order to exercise the jurisdiction and powers for the time being vested in the Supreme Court in respect of cases arising in the States of Kerala, Mysore, Madras and Andhra."

The hon. Member has tried to bring it within the purview of this Bill. But my difficulty is two-fold. In this case we have brought forward an amendment only in respect of the number of Judges—nothing more. Secondly, we have got article 130 which very clearly says that it will be within the discretion of the Chief Justice of India.

Mr. Speaker: When under the Constitution the Chief Justice of India is competent to have sittings of the Bench in any place within India, is it not open to this House to say that amongst various other places this shall be one place? Is it not competent to say so?

Shri Datar: Will it not be within the discretion of the Chief Justice of India himself?

Mr. Speaker: But for that discretion this will be out of order, because then the Supreme court sittings must be held only in Delhi. But on account of that discretion it is open to the Chief Justice to allow any Bench or Benches to sit anywhere. The hon. Member wants us to say that compulsorily there must be a Bench at Bangalore.

Shri Datar: What he exactly says is, there must be a Bench at Bangalore to hear the cases from four southern States.

Mr. Speaker: How is it inconsistent with this article in the Constitution? How is it opposed to the Constitution? The Constitution itself authorises the Chief Justice to do it.

Shri Datar: What the Chief Justice can do, we may not do.

Mr. Speaker: We must do. All that he says is, it is open to the Chief Justice to do or not do it under the Constitution. It is not incumbent on the Chief Justice to do it. Therefore, all that the hon. Member wants is, so far as this matter is concerned—the Chief Justice may have a sitting of the Supreme Court Bench elsewhere or not—he must have a Bench here. Is it not open to Parliament to give a direction to that effect?

Shri Datar: I am afraid, Sir, it is not so.

Pandit K. C. Sharma (Hapur): There is one more objection. The work of Supreme Court is divided into Benches according to the nature of cases, it is not on a regional or territorial basis, it is not that cases arising in one region must be decided by a Bench in the same region.

Mr. Speaker: Have there not been sittings of the Bench of the High Court of Travancore-Cochin in one place?

Pandit K. C. Sharma: There is a difference between adjudication by the High Court and adjudication by the Supreme Court. The Supreme Court lays down the law and the rationale of the law. That rationale, the final law for the land is to be laid down by Judges specialised in a particular branch of law. It is not possible for human beings to specialise and to have the fullest knowledge in every branch of studies. As you, Sir, being a lawyer, know, the two branches of law, the metaphysics and law are the branches which require the whole life of a student to know something of them. It is not possible for every Judge to know everything.

Shri Mohammed Imam: A similar provision has been made in the Bombay Reorganisation Bill, to have a Bench of the High Court at Nagpur. There also the areas are defined.

Shri Datar: He is right.

Shri P. R. Patel (Mehsana): May I say something?

Shri Sinhasan Singh (Gorakhpur): In U.P. also, Sir, a Bench of the High Court at Allahabad sits at Lucknow.

Mr. Speaker: Order, order. The hon. Minister may be allowed to go on. Whatever he wants to say he may say when the admendment comes up. I will then consider whether the amendment is to be allowed or not.

Shri Datar: That was the reason why I was dealing in a general way with these three amendments. I have already dealt with two of them. There is a third amendment by an hon. Member to suggest that a particular number of Supreme Court

Judges should be drawn from the advocates. Under the Constitution, Sir, advocates are eligible, High Court Judges are also eligible; a certain period of experience is necessary for Judges, a certain period of experience by practice is necessary for advocates. So far as that particular suggestion is concerned, I have already made the position clear here when a similar question was raised in connection with the States Reorganisation Bill and also a Constitution Amendment Bill. There I have pointed out to the House that Government would be happy to consider the appointment of Supreme Court Judges from advocates. In proper cases Government are prepared to make appointments. But there are certain difficulties which may kindly be noted. The difficulties are that those to whom we are prepared to offer are not ready to accept the offer. In at least two cases the Government had such an experience. As last time, in 1956, I promised the House, we did make such offers, and at least in two cases two experienced and competent advocates, unfortunately, were not ready to accept our offer. That is the reason why it would not be proper to put down any statutory rule that one-third of the Judges must be from advocates and others should be from Judges because, ultimately, even the Judges in the High Courts are drawn from the Bar. Therefore, there is no point in the particular amendment that the hon. Member has brought forward.

Shri Joachim Alva (Kanara): Do Government give them briefs when they have declined a post offered by Government?

Shri Datar: In proper cases, Sir, Government have the right. They have got the Attorney-General and also the Solicitor-General, but in certain cases it might become necessary for certain Ministries of Government to appoint special advocates. But that is not the point that is relevant here. What is suggested in the amendment is that statutorily about one-third number of the Judges should be drawn from the Bar.

Shri Joachim Alva: I think the hon. Minister has misunderstood me. When two upright and able citizens are not able to accept an offer of judgeship by the Government, they thereby render unconsciously a disservice to the people. Thereafter, do Government hire out their services by giving them Government briefs?

Mr. Speaker: He wants to give them punishment.

Shri Datar: What I would point out to my hon. friend is this, that in England there is a convention according to which whenever an advocate, a leading advocate or a leading member of the Bar is called upon to occupy a place on the Bench of the High Court, whatever the extent of his practice or earnings may be, generally it is accepted. I know at least about two or three cases where even though their practice and their earnings were perhaps the largest in the world still they did not mind giving up their practice and accept a position on the Bench. We have also to develop a similar convention here.

Shri C. D. Pande (Naini Tal): We cannot punish them for their refusal.

Shri Datar: It would not be proper to punish them, but we can express our desire that others should come forward. That is all that we can do. May I also point out that the out-turn of work in the Supreme Court has been rising very considerably during the last three or four years?

Pandit Thakur Das Bhargava (Hissar): Can I put one question? What is the percentage of special leave applications which have been dismissed *in limini*?

Shri Datar: What is the percentage under article 136?

Pandit Thakur Das Bhargava: Percentage of special leave applications dismissed *in limini* in *kutcha peshi*.

Shri Datar: I have purposely got those figures anticipating my hon. friend's question. Such a question was raised in the other House and I have got those figures.

Shri Sinhasan Singh: Sir, I rise to a point of order.

Mr. Speaker: Order, order. I am not going to allow this kind of interruption. Assuming it is a point of order—the point of order has been raised only now—when another question has been raised, should I cut it down? I will allow him a chance to raise his point of order, let this question be answered.

Shri Datar: I would give some figures both on the criminal side and also the civil side regarding the number of cases filed, the number of cases admitted, the number of cases dismissed and the number of cases pending. I shall take the criminal cases first. Under article 136, in 1958, 761 cases were filed—cases where permission was sought for appeal—128 were admitted, 633 were dismissed. For the next year 1959, 917 cases were filed and 142 were admitted. 775 were dismissed.

Shri Tyagi (Dehra Dun): What punishment was given to the lawyers who brought forward cases on flimsy grounds?

Shri Datar: Let me finish my point. Let not the hon. Member be in a hurry. During the three months of 1960, that means, up to 31st March, 1960, 308 applications have been filed. Out of them, 30 were admitted; 220 were dismissed, and 57 were pending. They are pending at present. This is so far as the criminal side is concerned.

On the civil side, in 1958, 781 cases had been filed; out of them, 398 had been admitted. The incidence of admission is naturally a little larger on the civil side. 376 were dismissed. In 1959, the figures are 753, 337 and 405 respectively. In 1960, the figures are 292, 142, and 89 respectively. 61 are pending.

A suggestion has been made in the other House that the power of the Supreme Court should be curtailed. I pointed out that it was the desire of the Government that nothing should be done because these powere were specially given to the Supreme Court by the Constitution. You will find that these powers have been used only in a select number of cases and not in every case. Therefore, I would submit to the House that the powers under article 136 should remain as they are.

Shri Sinhasan Singh: Sir, I want to raise a point of order. In the financial memorandum, it is pointed out that the salaries, allowances and pensions payable to the judges of the Supreme Court are a charge on the Consolidated Fund of India under article 112(3) of the Constitution. The amount comes to more than Rs. 1 lakh. So, such a Bill which involves any financial responsibility or expenditure cannot be introduced in the Parliament without the previous sanction of the President. The recommendation of the President is necessary under article 117.

Mr. Speaker: Have they not obtained the President's sanction?

Shri Sinhasan Singh: No. Nowhere in the Bill has it been stated that the previous sanction of the President, under article 117, has been obtained. The sanction of the President under article 117 is necessary.

Mr. Speaker: I have got here the authority of the President. It says that the Members are informed that the President has, in pursuance of clause (3) of article 117 of the Constitution of India, recommended to the Lok Sabha the consideration of the Supreme Court (Number of Judges) Amendment Bill as passed by Rajya Sabha.

Shri Sinhasan Singh: That should have been placed here, so that we may all know it.

Mr. Speaker: The usual practice is, on the Bill itself, it is mentioned.

Shri Datar: It is there on the Bill itself, on the last page.

Mr. Speaker: It was introduced in the Rajya Sabha and it has come here as passed by them. The President's recommendation is noted there.

Shri Tyagi: I want to put one question to the hon. Minister. We know that a large number of cases get rejected, on the very face, by the Supreme Court. So, I wonder if the Government have made any arrangements to control the tendency of the legal practitioners to put up cases without due exercise of their discretion. Could there be some such discipline, say, that they should forfeit their right to practise or the license to practise, etc., in cases where, every time, their cases are proved to be based on flimsy grounds?

Pandit K. C. Sharma: The hon. Member is transgressing the minimum decencies and conduct of a legislator by putting such questions.

Shri Tyagi: Could not anything be done to see that the lawyers are not licensed or permitted to put up a case on blimsy grounds and thereby exploit the clients?

Pandit K. C. Sharma: They are all honourable members of a noble profession and they know their duty well.

Shri Tyagi: Not those who exploit the clients.

Shri Satyendra Narayan Sinha (Aurangabad—Bihar): Sir, on a point arising from what Shri Tyagi said....

Mr. Speaker: I am not going to allow this kind of rambling discussion. It seems to be endless. The hon. Members may go and converse in the lobby which is free. They can go there for conversations. Further, hon. Members will have to wait for their turn. A point of order was raised by Shri Sinhasan Singh and that was disposed of. The hon. Minister has been on his legs for a long time and is being constantly interrupted. After he finishes, I will allow opportunity to hon. Members to make their points. The hon. Minister may kindly go on.

Shri Datar: Therefore, in the light of these circumstances, I believe that the addition or increase in the number, by three judges, is perfectly warranted by the present requirements and in particular, by the views of the Chief Justice of India who went through the whole matter and advised the Government that in the interests of clearance of all these arrears, it would be better to have an addition of three more judges in the Supreme Court.

Mr. Speaker: I have got a small doubt. Shri Sinhasan Singh raised a point of order, and I said that the President's recommendation has been received. Apart from that, I want to pursue the matter, and I think, I should have pursued the matter a little earlier. Now, this is not a Money Bill. This is a Financial Bill. Wherever any payment has to be made from the Consolidated Fund, is it open to introduce such a Bill in the Rajya Sabha or the Council of States?

Shri Sinhasan Singh: It cannot be introduced in the Rajya Sabha.

Mr. Speaker: Let us dispose of this point. First of all, I agree that this is not a Money Bill in the sense that it is not confined only to those items, (a) to (f) referred to in article 110.

Shri Datar: May I invite your attention to article 117(3)? It says:

> "A Bill which, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of India shall not be passed by either House of

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Parliament unless the President has recommended to that House the consideration of the Bill."

Therefore, this Bill was introduced in the Rajya Sabha.

Mr. Speaker: How can it be introduced? He will kindly read sub-clause (1).

Shri Datar: Sub-clause (1) of article 117 says:

"A Bill or amendment making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 110....

Mr. Speaker: That is, any payment from the Consolidated Fund.

Shri Datar: ....."shall not be introduced or moved except on the recommendation of the President and a Bill making such provision shall not be introduced in the Council of States."

Mr. Speaker: What has he got to say to that?

Shri Datar: At best, it would amount to an irregularity. I shall have this matter examined. Let the discussion proceed.

Mr. Speaker: Has the Minister concluded his speech?

Shri Datar: I have concluded my speech.

Mr. Speaker: Out of the two requisites, one has been satisfied. The President's recommendation has been taken. About the other point, it appears *prima facie* that the Bill could not be introduced in the other House. I shall not now put it to the vote of the House, but I will put this motion for discussion. In the meanwhile, he will satisfy the House as to how this is in order and how in the other House he has introduced it.

Shri Ram Krishan Gupta (Mahendragarh): This is not in order.

Shri Sinhasan Singh: The Bill was first introduced in the Rajya Sabha.

Mr. Speaker: The Minister says he will consider it. Should we not wait?

Shri Sinhasan Singh: There are two aspects. First, this Bill has come here after having been passed by the Rajya Sabha. The Rajya Sabha has no jurisdiction to pass it. Again, apart from that irregularity, I do not know how the President recommended it to be introduced in the Rajya Sabha.

Mr. Speaker: That is exactly what I am saying. What is the new thing that the hon. Member wants to raise? I am really surprised. Shri Sinhasan Singh is a lawyer.

Shri Sinhasan Singh: Just a word from me.

Mr. Speaker: Order, order. I pointed out that the objection that was taken by Shri Sinhasan Singh regarding the recommendation has been met, and that condition has been satisfied. Even for passing in the Rajya Sabha, it requires recommendation under clause (3). That has been done. I brought to the notice of the House the letter from the President.

But, under sub-clause (1) of Article 117, the introduction of the Bill cannot be made there, notwithstanding the fact that there is a recommendation. The recommendation does not absolve and give the right for the other House to receive it first, without it being sent from here. When I put it to the Minister, he says he will try to answer this point. In the meanwhile, let us go on with the other discussion.

Shri Sinhasan Singh: If it is found later on that this Bill could not be introduced there, then the Bill could be only introduced in this House with the President's sanction. The sanction of the House must have been

taken for the introduction of this Bill in this House and that has not been done.

Mr. Speaker: Why is he going to further stages? All this does not arise at this stage.

Shri C. R. Pattabhi Raman (Kumbakonam): I am afraid there is a mis-apprehension. It does not come under article 110(1)(a) to (f). It comes under article 117(3). It is not a Money Bill at all in the sense of article 110(1). Sub-clause (a) refers to imposition, abolition, remission, etc. of any tax; (b) refers to the regulation of the borrowing of money; (c) refers to the custody of the Consolidated Fund or the Contingency Fund of India, the payment of moneys into or the withdrawal of moneys from any such Fund; (d) refers to the appropriation of moneys out of the Fund; (e) refers to declaring of any expenditure to be expenditure charged on the Consolidated Fund; (f) refers to the receipt of money on account of the Consolidated Fund....

Mr. Speaker: Does it not come under (c)?

Shri C. R. Pattabhi Raman: No, Sir; article 117(3) is very clear:

> "A Bill which, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of India shall not be passed by either House of Parliament unless the President has recommended to that House the consideration of the Bill."

Mr. Speaker: Article 110(1)(c) says:

> "the custody of the Consolidated Fund or the Contingency Fund of India, the payment of moneys into or the withdrawal of moneys from any such Fund;"

Does this not involve withdrawal of money from the Consolidated Fund of India?

Shri C. R. Pattabhi Raman: No, Sir.

Mr. Speaker: What else is it?

Shri C. R. Pattabhi Raman: The process by which moneys flow into or are taken out of the Consolidated Fund is clearly understood; it may be an excise duty or income from the various departments....

Shri Datar: This question was considered by us and this is the advice that has been given:

> "A question may arise whether the recommendation of the President under article 117(1) or 117(3) of the Constitution would be necessary For the purpose of article 117(1), we have to see whether the Bill makes provision for any of the matters specified in article 110(1)(a) to (f). The only relevant clause for the present purpose is article 110(1)(e), the later portion of which refers to the increasing of the amount of any such expenditure. Under article 112(3)(d)(i), the salaries of Supreme Court Judges are already charged on the Consolidated Fund of India. The present Bill does not declare any expenditure to be charged on this Fund nor does it expressly increase the amount of any such expenditure. If and when additional Judges are appointed, the salaries, etc. would automatically be charged on the Consolidated Fund of India by virtue of article 112(3)(d)(i)....

Mr. Speaker: Will not saying that when they appoint, that will be charged and no sanction is necessary, amount to evasion of the provision?

Shri Datar: It comes before both Houses of Parliament, Sir. Sub-clause (3) of article 117 is very clear.

Mr. Speaker: Article 117(3) refers to a case which involves expenditure out of the various items mentioned in article 110(1)(a) to (f); article

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117(3) says where such expenditure is involved, recommendation of the President is necessary for passing the Bill by both Houses. But the question where it ought to be initiated is covered by article 117(1). 117(3) is not the clause which says where it can be introduced and whether it can be introduced in that House or not. It cannot be introduced in that House by virtue of clause (1). Is there any previous case where a Bill of this kind was introduced in the other House involving expenditure from the Consolidated Fund?

Shri Datar: I am not aware; I shall look into it. The question that you raised has been partially met here. I will read further:

> "....No recommendation of the President under article 117(1) would appear to be necessary. In passing, it may be mentioned that any additional amount which may be charged to meet the salaries, etc. of additional judges when appointed, would in due course, be covered by Appropriation Bills, which would invariably be introduced in the Lok Sabha with the recommendation of the President under article 117(1).
>
> Recommendation under article 117(3) would, however, appear to be necessary since the expenditure would have to be incurred on the additional judges appointed in pursuance of the passing of the Bill and this satisfies the conditions specified in that article."

Shri Tyagi: Whose authority is he reading? (*Interruptions*).

Shri Datar: What I was submitting was, at the time when an Appropriation Bill comes, at that stage, this amount will have been included and the hon. Member will have an opportunity. It is governed by article 117(3), which has been satisfied, because the President has given his assent. At present what we are doing is this. If the Bill is passed allowing the President to appoint three more Judges, the question of expenditure by way of salary, etc. would form part of the Appropriation Bill and would come here. So, Parliament's powers are not taken away. At this stage, what are we concerned with? We are concerned with the increase by three in the number of judges, no more.

13 hrs.

Mr. Speaker: Even a declaration under clause (e)....

Shri Datar: That is there already.

Mr. Speaker: Where is it?

Shri Datar: It is stated here that "The President has, in pursuance of clause (3) of article 117 of the Constitution of India, recommended the consideration of the Bill....".

Mr. Speaker: I am not talking of that. Article 110(1)(e) reads:

> "the declaring of any expenditure to be expenditure charged on the Consolidated Fund of India or the increasing of the amount of any such expenditure;"

Shri Datar: At present we are not increasing the expenditure at all. The queseion of expenditure will arise only when the judges are appointed.

Pandit Thakur Das Bhargava: Even the Financial Memorandum says that expenditure is involved.

Mr. Speaker: All hon. Members cannot speak simultaneously. I am putting the question to the hon. Minister whether expenditure is involved or not by this Bill.

Shri Datar: When the judges are appointed....

Some Hon. Members: No, no.

Shri Tyagi: In the Bill itself there is a Financial Memorandum. If no expenditure is involved, what was the necessity for the Financial Memorandum? I would appeal to the hon.

Minister not to mince matters. Let us admit the mistake.

Shri Datar: There is no question of mincing matters.

Shri C. R. Pattabhi Raman: May I say a few words?

Mr. Speaker: Has the hon. Minister finished his speech?

Shri Datar: Yes.

Shri Easwara Iyer (Trivandrum): On a point of order.

Mr. Speaker: What is the point of order?

Shri Easwara Iyer: My point of order is that this Bill could not be introduced in the Council of States. Article 110, sub-clause (1) reads:

> "For the purposes of this Chapter, a Bill shall be deemed to be a Money Bill if it contains only provisions dealing with all or any of the following matters,....".

So, any Bill containing any provisions dealing with clauses (a) to (g) of article 110(1) is a Money Bill. Clause (d) of article 110(1) reads:

> "the declaring of any expenditure to be expenditure charged on the Consolidated Fund of India or the increasing of the amount of any such expending;".

Coming to the salaries and allowances of Supreme Court judges, if we look at article 112, sub-clause (d)(i) of clause (3) of article 112 says:

> "the salaries, allowances and pensions payable to or in respect of Judges of the Supreme Court;"

"shall be expenditure charged on the Consolidated Fund of India". Under article 110, any Bill containing provisions which provide for the increasing of the expenditure on the Consolidated Fund becomes a Money Bill. If that is so, it is hit by article 117(1), because, as pointed out by you, that Bill cannot be introduced in the Rajya Sabha.

Shri Tyagi: The Law Ministry requires a change. There is no brain in the Law Ministry.

Shri Easwara Iyer: The hon. Minister says that this Bill is not going to result in any expenditure at present and that will arise only when actually the judges are appointed. What article 110 says is that if a Bill contains any provision providing for increasing the expenditure, it is vitiated, as it becomes a Money Bill. So, it is hit by article 112 and it ought not to have been introduced in the Rajya Sabha.

I may also point out that when a question arises as to whether a Bill is a Money Bill or not, your decision shall be final under article 110, clause (3). That article says:

> "If any question arises whether a Bill is a Money Bill or not, the decision of the Speaker of the House of the People thereon shall be final."

So, I invite your attention to this provision and request you to decide whether this is a Money Bill or not.

Shri Jaipal Singh (Ranchi West—Reserved—Sch. Tribes): May I take this opportunity to compliment my hon. friend? To me there is no doubt whatsoever as to whether this is a Money Bill or not. The Financial Memorandum makes it abundantly clear. We have to discuss this very seriously, because there is another Bill, the Delhi Primary Education Bill, which also will find itself in the same category of having been introduced in the other House, when it should have been introduced here. Secondly, you earlier suggested that the discussion might go on while probably the Minister was searching for an apology. This is being resorted to for the first time in this House. I do not see why we should expend any time whatever in discussing something which is not seized by the House.

Mr. Speaker: Shri Sadhan Gupta. He should refer only to this point and that too briefly.

Shri Sadhan Gupta (Calcutta—East): I think, on the whole, I am inclined to the opinion that it might have been introduced in the Rajya Sabha. In determining the scope of the Bill, whether a Bill comes within the purview of the Constitution or not, or the purview of a particular article of the Constitution or not, as a lawyer you know very well, that what is necessary to determine it is the doctrine of pith and substance. We have to see whether the Bill, in pith and substance, comes under the particular clause of article 110, in order to determine whether the Bill would be covered by the relevant clause of article 117.

Now the provision which has been pointed out is clause (e) of article 110, that is to say, increasing the charge on the Consolidated Fund, or clause (c) which relates to the payment of money out of the Consolidated Fund. Therefore, the Bill must, in pith and substance, deal with these matters. It may be that a Bill deals with something else and incidentally entrenches upon other matters. For instance, if it deals with, say, a Central subject and incidentally entrenches on a State subject, then the Act is not *ultra vires* to the extent it entrenches on a State subject, because in pith and substance it deals with Central matters. Similarly, here also, if in pith and substance it deals with something else and incidentally increases the charge on the Consolidated Fund, then it will not be illegal to introduce it in the Rajya Sabha.

Of course, the question would arise that in this way, as you raised it, the constitutional provision might be evaded, but that is another matter. That would be a colourable exercise of the legislative power on pretext of a different pith and substance. In that case, it will have to be determined in every case whether in pith and substance it comes within the language of the relevant clause of article 110, or in pith and substance it comes under something else. If you, on consideration, find that in pith and substance it comes under article 110, then, of course, it would be within your right and authority to declare it out of order to be introduced in the Rajya Sabha. But if you are satisfied that in pith and substance it deals with really something different, and it is not an attempt to evade the constitutional provision, then....

Mr. Speaker: I think I have heard him sufficiently.

Shri Sadhan Gupta: In my opinion, in pith and substance it does not amount to evasion of a constitutional provision.

Shri C. R. Pattabhi Raman: May I say a few words?

Mr. Speaker: I do not think it is necessary.

On a prior occasion, when the Supreme Court (Number of Judges) Bill was introduced in Lok Sabha, on the 6th August, 1956, it provided that the maximum number of judges of the Supreme Court of India would be ten. It is true that the present Bill has been introduced in the Rajya Sabha. There is no precedent where such a Bill was introduced in the Rajya Sabha first so far. But ths ruling that I gave on that occasion is appropriate even to this. The question then arose whether that was a Bill which came under sub-clause (1) of article 117, as making provision for any of the matters specified in subclauses (a) to (f) of clause (1) of article 110 of the Constitution or whether it came under clause (3) because it involved some expenditure. I at that time held that the Bill did not

come under article 117(1) for the following reasons:—

"Recommendation of the President for the consideration of the Bill under article 117(3) of the Constitution has been obtained. So far as article 117(1) is concerned it is felt that no recommendation of the President is necessary for the introduction of the Bill in the Lok Sabha. Under article 112(3) (d) (i) the salaries, allowances and pensions payable to or in respect of the Judges of the Supreme Court are charged on the Consolidated Fund of India. That is to say, whatever may be the amount of the salaries, allowances etc. for the time being it is already charged on the Consolidated Fund of India. And looked at from this point of view, article 110(1)(e) which is the only relevant article for the present purpose, does not appear to apply. The present Bill does not declare any expenditure to be charged on the Consolidated Fund of India, nor does it expressly increase the amount of any such expenditure. The word "such" appears to have some significance and would presumably apply in cases where there is a direct provision in the Bill for an increase in the amount of any expenditure charged on the Consolidated Fund of India. In the present case if and when additional Judges are appointed, the salaries, allowances etc. would automatically become charged on the Consolidated Fund of India by virtue of article 112(3)(d)(i). It may be mentioned, although it may not be strictly relevant for the purpose of the present decision that any additional amount to meet the salaries and allowances of the additional Judges to be appointed will in due course be covered by Appropriation Bills which invariably have to be introduced in the Lok Sabha with the recommendation of the President under article 117(1)."

This has been referred to by Shri Pattabhi Raman and the hon. Minister. I, therefore, feel that so far as this case is concerned, in view of the prior decision on a similar matter there is no needs to have the recommendation of the President under article 117(1). It comes only under article 117(3). Article 117(1) alone bars the introduction of any such Bill in the other House. If article 117 (1) does not apply at all, there is no similar bar put under article 117(3). Article 117(3) has been satisfied by Government having obtained the recommendation of the President for consideration of the Bill in this House. Therefore, it seems to be in order. We may go on with it. We have already spent sufficient time over this matter.

Motion moved:

"That the Bill to amend the Supreme Court (Number of Judges) Act, 1956, as passed by Rajya Sabha, be taken into consideration."

Pandit K. C. Sharma: Mr. Speaker, Sir, I welcome the Bill and while welcoming the Bill I have to make a few observations. My respectful submission is that it is to the glory of our Constitution and our democratic set-up that the wide powers in many matters which our Supreme Court has got under article 136 of the Constitution no other Supreme Court in the world and no other system of law in the world has got. That is something which gives the finality to lay down the law for the people to the Supreme Court of the land. In this way it adds to the realisation of the rule of law in the country which is

[Pandit K. C. Sharma]

the final consummation of any community, that is, to be administered in a civilised way.

13.15 hrs.

[MR. DEPUTY-SPEAKER *in the Chair.*]

Going through the judgments of these Supreme Court Judges it is safe to say that they are of the fine quality and that the rationale that the learned Judges have laid down is based on scientific interpretation of the modern functional jurisprudence. It is necessary that enough number of Judges should be appointed on the Supreme Court so that cases may be analysed and the rule of law may be laid down after a careful study and analysis.

The U.S. Supreme Court has 24 Judges with half the population. The nature of cases that are coming before the Supreme Court, except perhaps in commercial matters and company law, are almost the same. Therefore it is quite in the fitness of things that there should be more Judges so that the judgment should be rational, law should be laid down, the principle should be analysed, a better understanding of the procedure of law may be available for the people, the people should know that the law is based on certain principles and, as Shri Tyagi is anxious, unnecessary litigation may be avoided.

With these few remarks I support the Bill.

Shri Sadhan Gupta: Mr. Deputy-Speaker, Sir, I think I would generally support the Bill because there is no doubt that the Supreme Court requires some strengthening of its number. It is often a very unwise economy to restrict the number of Judges because that way a huge pendency occurs and that leads to the defeating of justice. But I have to make certain remarks about the appointment of Judges of the Supreme Court.

It is unfortunate that from the beginning of the Federal Court up till today no one has been taken from the Bar for appointment as Jndges. The hon. Minister of Home Affairs has said that two advocates were offered and they have refused. I do not know whether only two competent advocates were found throughout the country for appointment as Judges of the Supreme Court. I think many others might have been tried and many would have the spirit of service not to refuse the appointment.

As regards the advocates who have refused, we can only regret their conduct because it is a salutary principle which has been established as a convention in England and which ought to be established as a convention here that no lawyer who receives an offer of doing such a public service in the shape of being a Supreme Court Judge should refuse to accept the offer for the purpose of making some money.

The judgeship of the Supreme Court may not fetch a salary as high as a very good advocate can earn by practice. But then the salary is not so little that a person cannot live in reasonable comfort on such salary. I am putting it very mildly. Under these circumstances, when the country requires good judges—judges with experience in legal affairs, judges with the requisite calibre—I do not see why an advocate who has been offered the judgeship should refuse this public service for the mere sake of gaining, maybe, a few thousand rupees a month.

Mr. Deputy-Speaker: Is the hon. Member quite certain that those to whom this offer was made and who refused to accept it did it only on account of the meagre emoluments, or there were other reasons also?

Shri Sadhan Gupta: I am assuming that it must have been so, because I cannot see any reason which is so compelling that they cannot agree to a judgeship of the Supreme Court. I do not know what other reasons there could be, none that I can see.

I would make a suggestion to the Minister. The House is entitled to know who has refused to accept the judgeship when offered. If the Minister has any compunctions in this matter, I suggest that in future he should make it very clear from the floor of the House to the public and to all advocates who may so refuse that they stand the risk or the glory of their names being revealed in the House. I do not say that any other criticism is necessary. Maybe they will like it as an advertisement as to how eminent lawyers they are, how their practice is much more lucrative than the Supreme Court judgeship, but we will draw our own conclusions. It might act as an additional inducement to persons who refuse judgeship of the Supreme Court.

The Law Commission has referred to the necessity of departing from the practice of making the seniormost puisne Judge the Chief Justice of the Supreme Court. That has been the rule ever since the Supreme Court started. In the days of the Federal Court, of course, Chief Justices used to be imported from England. There is no question of doing anything of that kind now, but the Law Commission has rightly pointed out that there is ample scope of securing competent Chief Justices from among the Chief Justices of the High Courts and eminent members of the Bar, and there is no reason why this should not be done. The present practice should not be made inflexible, and suitable departures should be made if and when occasion arises.

It is very important to keep not only the integrity of the judiciary, but also faith in the integrity of the judiciary among the people. Unfortunately, the Government often creates a position where there is a rather free mixing between the judiciary and the executive. Although the Judges may be beyond reproach and their integrity may not be shaken by contacts with the executive, there is always a public feeling that something wrong is happening. The feeling may be unfortunate and unjustified, but is bound to grow if contacts between the judiciary and the executive get on too much, if they meet too often in social functions and so on. Therefore, the Ministers and the Government generally should make it a point not to create such occasions. In England the Judges absolutely cloister themselves. In England, where the public is perhaps more educated and faith in the judicial integrity is not so easily shaken, the Judges do not even join clubs because they might come in contact with people who might have cases in their courts, and that way a kind of relation might grow up which might hinder or appear to hinder the true cause of justice. It is very necessary that this principle, this attitude, should be observed in our country by the judiciary and the Government. The Government must not create such occasions, and the Judges must also beware of doing things which to the public might appear as involving them too much with the executive. I am not suggesting that the Judges as a whole do get themselves involved with the executive, but then the fear is there, the suspicion grows, and it is very unfortunate that this should be so. A healthier convention should be established to protect their integrity and to confirm the faith of the people in their integrity.

I hope these points will be borne in mind by all concerned, and particularly I want to emphasize the need to recruit Judges from the Bar. I think three Judges will be appointed in pursuance of this Bill, because it will be no use appointing less than three. If we have to dispose of pending

[Shri Sadhan Gupta]

cases, we have to create one more Bench, which means at least three more Judges. I hope all the three will be from the Bar since the Bar has not been represented at all so far. If the Government do not restrict their offers to only one or two men throughout the country but really go for suitable people in the Bar, they will find not only people of good calibre, but people with the requisite public spirit coming forward. Government cannot absolve itself of the blame for not having the Bar properly represented so far. I think it should be the primary attempt of Government to secure representation of the Bar by appointing the proposed three Judges from the Bar.

With these words, I give my general support to the Bill.

पंडित ठाकुरदास भार्गव : जनाब डिप्टी स्पीकर साहब, जहां तक इस बिल को सपोर्ट करने का ताल्लुक है, मेरे ख्याल में शायद ही कोई शख्स होगा, जो इसको सपोर्ट न करे।

Shri C. R. Pattabhi Raman: Why can he not speak in English?

Shri Rami Reddy (Cuddapah): We request him to speak in English.

पंडित ठाकुर दास भार्गव : जनाब वाला, मेरे हिन्दी में बोलने में मुझे कोई ऐतराज़ नजर नहीं आता और यह कोई ऐसा खास प्रिंसिपल्ज का बिल नहीं है, जिस के वास्ते सिवाये अंग्रेजी में बोलने के मुझे कोई और चारा न हो। इसलिये मैं आपकी इजाजत से हिन्दी में ही बोलना चाहता हूं।

Shri V. P. Nayar (Quilon): What is the equivalent of Supreme Court in Hindi?

पंडित ठाकुर दास भार्गव: जहां तक इस बिल का ताल्लुक है, अभी हमारे आनरेबल मिनिस्टर ने फरमाया ह कि हमारे चीफ जस्टिस साहब की यह राय है कि .....

Shri Rami Reddy: We cannot understand what he says.

Mr. Deputy-Speaker: A sugfiestion was made, but if the hon. Member chooses to speak in Hindi, we cannot obstruct him.

Shri V. P. Nayar: I was only pointing out that the expression "Supreme Court" has no proper translation in Hindi.

Mr. Deputy-Speaker: Does not matter; he will use "Supreme Court" in Hindi.

पंडित ठाकुर दास भार्गव : अव्वल तो ऐसा हो गया है कि हिन्दी सब लैंग्वेजिज़ के सब अच्छे वर्ड्ज़ को अपने आप में इनकार्पोरेट करती है। सुप्रीम कोर्ट का लफ़्ज़ ही हिन्दी बन गया है, लेकिन अगर यह अंग्रेज़ी का लफ़्ज़ है, तो उसका हिन्दी इक्वीलेंट बनाना चाहिये और इसको नहीं इस्तैमाल करना चाहिये। अब वक्त आ गया है कि लोग हिन्दी सीखें और हिन्दी में बोलें और ज्यादा इस बात की परवाह न करें कि मैं लोगों को खुश रखूं। जब कभी मुझे हुक्म होता है मेम्बर साहबान का, या किसी और का, तो मैं हमेशा अंग्रेजी में बोलता हूं, लेकिन कोई तो वक्त ऐसा होना चाहिये, जिस में आदमी हिन्दी में ही बोले। इसलिये मैं हिन्दी में ही बोलना पसन्द करूंगा।

मेरी गुजारिश है कि जब हमारे सुप्रीम कोर्ट के चीफ जस्टिस साहब की यह राय है कि तीन जजिज़ बढ़ने चाहियें, हमारी गवर्नमेंट की यह राय है और हम सब वाकयात को देखते हैं, तो मेरी नाकिस राय में इस हाउस के किसी भी मेम्बर को इस बिल को सपोर्ट करने में किसी किस्म की दिक्कत नहीं होगी। मेरे एक दोस्त ने जजिज की तादाद पन्द्रह करने की अमेंडमेंट भेजी है। अगर पांच मेम्बर बढ़ाने की दरख्वास्त आती है, तो मैं सपोर्ट करता कि दो और बढ़ा दिये जायें और तेरह के बजाये पन्द्रह कर दिये जायें। लेकिन ऐसा नहीं है और आनरेबल मिनिस्टर साहब ख्याल

करते हैं कि यह ग़ैर-ज़रूरी है कि उन को बढ़ाया जाये, इसलिये इस पर ज्यादा कहने की ज़रूरत नहीं है ।

जो दो तीन खास बातें मैं जनाब की खिदमत में अर्ज करने के लिये खड़ा हुआ हूं, वे यह हैं कि जिस वक्त सुप्रीम कोर्ट की पावर्ज का उवाल हमारी कांस्टीच्युएंट असेम्बली में आया, तो उसके बारे में बहुत सी तरामीम पेश की गई और चन्द तरामीम मैंने भी पेश की थीं । उस वक्त मेरा बड़ा ऐतराज़ यह था कि जहां तक दफा १३३ और १३४ का सवाल है, हम इस में बड़ी भारी ग़लती कर रहे हैं और सिविल केसिज़ के मुताल्लिक अपील का जो प्राविज़न हम कर रहे हैं, वह देश की ज़रूरतों के लिये बिल्कुल नाकाफ़ी है । जनाब अभी भी मुलाहिजा फरमायेंगे कि दफ़ा १३३ एक ऐसी दफ़ा है, जिसमें एमाउण्ट आफ़ प्रापर्टी के साथ जस्टिस को जोड़ दिया गया है, यानी अगर बीस हजार का मामला इन्वाल्व्ड हो, बीस हजार की प्रापर्टी इन्वाल्व्ड हो, या ऐसा सवाल हो, जिस को हाई कोर्ट फिट केस समझे, तो वह केस सुप्रीम कोर्ट में जा सकता है । चूंकि यह सवाल इस वक्त हमारे सामने नहीं है, इसलिये मैं इसमें नहीं जाना चाहता हूं । लेकिन मैं अर्ज़ करना चाहता हूं कि सुप्रीम कोर्ट में जो केसिज़ जायें और सुप्रीम कोर्ट का जो जूरिसडिक्शन है, वह नम्बर आफ जजिज़ से भी ताल्लुक रखता है । इसलिये यह सवाल ऐसा है, जिस पर अगर इस मौके पर नहीं, तो किसी और मौके पर गवर्नमेंट को ज़रूर तवज्जह देनी चाहिये, क्योंकि सुप्रीम कोर्ट सिर्फ़ बड़े आदमियों के लिये नहीं बनी है, जिनके बीस हजार या बीस हजार रुपये से ज्यादा के मुकदमे हों, बल्कि वह हर एक शख्स के लिये बनी है । इसलिये यह जो बीस हजार रुपए का एमाउण्ट रखा गया है, उसके मायने तो ये होते हैं सिर्फ़ बड़े बड़े सिविल केसिज़ ही वहां जायें, छोटे केसिज़ वहां जा ही नहीं सकते, हालांकि एक गरीब आदमी के लिये दो सौ, पांच सौ, एक हजार, दो हजार रुपए का मामला भी उतना ही ज़रूरी है, जितना कि किसी और अमीर आदमी के लिये बीस हजार का ।

लेकिन सिविल केसिज़ का मामला और है और मैं जनाब की तवज्जह क्रिमिनल केसिज़ की तरफ दिलाना चाहता हूं । जिस केस में डैथ सेन्टेन्स हो, उसकी अपील भी सुप्रीम कोर्ट में नहीं जा सकती है । उस वक्त मेरी तरमीम यह थी कि चूंकि डैथ का मामला ऐसा है कि अगर किसी को पैनेल्टी हो जाये, तो हम उस लाइफ़ को रिकाल नहीं कर सकते, इस लिये डैथ सेन्टेन्स के मामले में बतौर हक के अपील सुप्रीम कोर्ट को जानी चाहिये । उस वक्त हाउस ने इस तरमीम को मंजूर नहीं किया, लेकिन मैं जानता हूं कि अगर इसको मंजूर किया जाये, तो तेरह या पन्द्रह जजिज से काम नहीं चलेगा, इससे भी बहुत ज्यादा जजिज़ की ज़रूरत होगी । हिन्दुस्तान के मौजूदा हालात में मैं इस को ज्यादा पसन्द करूंगा कि जजिज की तादाद बढ़ जाये, बजाये इस के कि डैथ सेन्टेन्स के केसिज़ सुप्रीम कोर्ट को न जा सकें । लेकिन चूंकि इस बिल का ताल्लुक दफा १३४ की अमेंडमेंट से नहीं है, इसलिये मैं इस पर भी ज्यादा वक्त नहीं लेना चाहता हूं ।

मैं आपकी खास तवज्जह दफ़ा १३६ की तरफ़ दिलाना चाहता हूं । मैंने अभी आनरेबल मिनिस्टर साहब से दफ़ा १३६ के मुताल्लिक ये फ़िगर्ज़ पूछे थे कि उसमें कितने मुकदमात कच्ची पेशी में खत्म कर दिये जाते हैं और कितने आगे चलते हैं । आनरेबल मिनिस्टर साहब ने बड़ी मेहरबानी कर के वे फ़िगर्ज़ हाउस में बताये हैं । उन फ़िगर्ज़ से मालूम होता है कि शायद अस्सी फ़ीसदी के करीब ऐसे केसिज़ हैं स्पेशल लीव के, जो कच्ची पेशी में खत्म हो जाते हैं । चुनांचे आखिरी तीन महीनों के दौरान में ३०० में से ३० केस एडमिट हुए हैं । मैंने वे फ़िगर्ज़ नोट नहीं की थीं, लेकिन मैं जानता हूं—अगर ये फ़िगर्ज़ न भी दी जातीं, तो मैं हाउस में कहता कि आम तौर पर

[पंडित ठाकुर दास भार्गव]

मशहूर है कि नव्वे फ़ीसदी केस कच्ची पेशी में खत्म हो जाते हैं। शायद यह ग़लत हो और आनरेबल मिनिस्टर साहब को फ़िगर्ज़ ज्यादा रेलायेबल हैं, लेकिन ताहम उन फिगर्ज से भी मालूम होता है कि बहुत ज्यादा ऐसे मुकदमात हैं स्पेशल लीव के, जो कच्ची पेशी में खत्म हो जाते हैं। सिविल केसिज में उन की तादाद थोड़ी है—बीस, तीस परसेंट होगी। लेकिन क्रिमिनल केसिज में वह तादाद बहुत ज्यादा है। इस की वजूहात जनाब को तो बखूबी मालूम हैं, लेकिन मैं हाउस में अर्ज करना चाहता हूं। जिस वक्त हमारी सुप्रीम कोर्ट बनी, उस ने बनते बनते अपने लिए कुछ प्रिंसिपल कायम किए कि किन केसिज में हम को दखल देना चाहिए। पहले हमारे यहां फ़ेडरेल कोर्ट थी। उस ने भी अपने रूल बनाए हुए थे। पहले इसी किस्म का जूरिसडिक्शन प्रिवी कौंसिल में था। उस ने भी अपने रूल बनाए हुए थे। वह कहती थी कि जहां तक एविडेंस का ताल्लुक है, जब तक कोई सब्स्टैंशियल क्वेश्चन न हो, तब तक हम दखल नहीं देंगे। मुझे याद है कि पंजाब में १९१९ में जो मार्शियल ला के केसिज आए, वे कच्ची पेशी में ही खारिज हो गए और एडमिट न हो सके, क्योंकि उस के ख्याल में वह सब्स्टैंशियल क्वेश्चन या मिसकैरज आफ जसटिस न था। इसी तरह से जब हमारी सुप्रीम कोर्ट बनी तो उस ने फैडरल कोर्ट और प्रिवी कौंसिल की प्रैक्टिस को देखते हुए अपने कायदे बनाने की कोशिश की। जहां तक उन कायदों का ताल्लुक है, अगर आप सुप्रीम कोर्ट के जजिज के डिसिज़न्ज को पढ़ें, तो आम पौर पर आप उन में यह पायेंगे—

"This is not a second court of appeal. It cannot go into evidence.".

इक ऐसा कायदा बन गया है कि जिस बात पर हाई कोर्ट ने यकीन कर लिया, उस के मुताल्लिक सुप्रीम कोर्ट के जजिज आम तौर पर हाथ नहीं लगाते हैं, हालांकि मैं बहुत से ऐसे केसिज भी साइट कर सकता हूं, जिन में सुप्रीम कोर्ट में कोई बड़ा केस हुआ, कोई स्ट्रांग जज हुआ, कोई स्ट्रांग वकील हुआ, ये सब बातें मिलीं और इस तरह जिन में हाई कोर्ट के फ़ाइंडिंग्ज आफ़ फ़ैक्ट्स और एविडेंस को भी डिसकस किया गया। यह नहीं है कि हर एक सूरत में वह खारिज कर दें और न ही मेरी यह शिकायत है, लेकिन मैं कहता हूं कि अगर नव्वे, अस्सी या साठ परसेंट केसिज में किसी केस को खोल कर न देखा जाये इस बिना पर कि हाई कोर्ट ने इस को बिलीव कर लिया है, चाहे हाई कोर्ट का बिलीफ या फैसला कितना ही फिलमज़ी हो, कितना ही निकम्मा हो, कितना ही खिलाफ कानून हो, और उस केस को खारिज कर दिया जाये, यह प्रैक्टिस गलत है। मैं अर्ज करना चाहता हूं कि इस से हमारा वह मंशा पूरा नहीं होता है। जिस की वजह से हम ने आर्टिकल १४२ बनाया था। आर्टिकल १४२ में हम ने सुप्रीम कोर्ट को निहायत ही वाजह अख्तियारात दिए थ, इतने बड़े अख्तियारात दिए थे कि सुप्रीम कोर्ट जिस तरह चाहती अपने जूरिसडिक्शन को कायम कर सकती थी। वे इस तरह थे—

"The Supreme Court in the exercise of its jurisdiction may pass such decree or make such order as is necessary for doing complete justice in any cause or matter pending before it....".

मेरी गुजारिश यह है कि जो अख्तियारात उन को दिए गए और जो अख्तियारात दिए जाने चाहिएं थे, उन की कम्पलीट फ़ोटो यहां पर है। जो भी आखिरी कोर्ट आफ अपील हो, कम्पलीट जस्टिस करने के लिए उस के पास कम्पलीट पावर्ज होनी चाहिएं। लेकिन इस तरह के जो उसूल आहिस्ता आहिस्ता

सुप्रीम कोर्ट में ईवाल्व होते जा रहे हैं, वे ऐसे हैं जिन की वजह से एक फ़िट केस में भी किसी शख्स को जस्टिस नहीं मिल सकता है। मैं सुप्रीम कोर्ट के प्रति किसी किस्म की डिस-रैस्पेक्ट या डिसपैरेजमेंट शो नहीं करता हूं। उन के मुकाबले में मैं एक अदना सा आदमी हूं। एक लेमैन के तौर पर, एक सिटिजन के तौर पर मेरी राय है कि इस किस्म के रूल्ज बनाना जिस में किसी शख्स को एक फ़िट केस में भी जस्टिस न मिल सके और वे रूल्ज आड़े आ जायें, रिजिड बन जायें और कच्ची पेशी में ही मामला खारिज हो जाए, मैं अर्ज करना चाहता हूं कि यह पब्लिक जस्टिस के उसूल के खिलाफ है। एक वक्त था जब कि मेरे ख्याल में सुप्रीम कोर्ट में एक ऐसा कायदा बना था कि आम तौर पर ऐसे केसिज में जमानत नहीं होती थी, जिन में दो बरस से कम की सजा हो। एक मौके पर मैंने यह अर्ज किया यह रूल तो ठीक नहीं है, मैरिट्स को देखिए, अगर एक दिन की भी सजा है, तब भी आप उस में जमानत कर सकते हैं। कई केसिज में मेरे साथ ऐसा हुआ कि यह सवाल आया कि हाई कोर्ट ने इस को बिलीव कर लिया है, हम इस को कैसे देखें। उस में मैंने यही प्वायंट आउट किया था कि आप को पूरा अख्तियार है, वगैरह वगैरह। एक केस का मुझे मालूम है कि एक वाक्या हुआ, एक कत्ल हुआ बदी अमावास्या को। घोर अंधेरी काली रात थी लेकिन हाई कोर्ट के जजों ने गलती से डायरी देखी और लिख दिया कि फुल मून लिट नाइट थी। उस रू से उन्होंने उस रात को फुल मून लिट रात बना दिया। जजिज से भी गलती हो सकती है दूसरों से भी गल्ती हो सकती है और बहुत बार गलती होती भी है। जो लोग प्रेक्टिस करते हैं वे जानते हैं कि कितने केसिस में ऐसी सख्त गलतियां हो जाया करती हैं हाई कोर्ट्स में भी और दूसरी अदालतों में भी जिन की वजह से कि जस्टिस नहीं मिल पाता है और उनके अन्दर फांसी तक की सजा दे दी जाती है। कई कई बार तो बड़े ही अनसैटिसफैक्टरी जजमेंट दे दिये जाते हैं। दिन होगा, रात होगी, अंधेरा होगा, बट दी हाई कोर्ट हैज बिलीव्ड इट। एक बार मैं ने पहले भी पब्लिकली कहा था और आज फिर मैं कहना चाहता हूं कि दातार साहब ने मेहरबानी करके एक शख्स की जोकि बेगुनाह था जान बचा ली थी और उसको हाई कोर्ट और सुप्रीम कोर्ट दोनों में फांसी की सजा सुनाई जा चुकी थी। इस तरह के एक नहीं हजारों केसिस हो सकते हैं और हैं जिन में हाई कोर्ट ने गलती की है जिस में कि हाई कोर्ट ने बिलीव कर लिया और सुप्रीम कोर्ट ने कह दिया कि हम इस में जाना नहीं चाहते हैं। तो इस तरह की जो चीजें हैं वे दुरुस्त नहीं हैं। अब अगर चीफ जस्टिस ने तीन जजिज मांगे हैं तो हम उनको तीन देने के लिए तैयार हैं। अगर वे ज्यादा मांगते तो उनको ज्यादा भी मिल सकते थे। मैं तो समझता हूं कि इस मुल्क के लिए १३ या १५ जजिज ना-काफी हैं खसूसन उस हालत में जबकि कम्पलीट जस्टिस करने का उनको अखत्यार है। मैं चाहता हूं कि सुप्रीम कोर्ट से और हाई कोर्ट्स से लोगों को कम्पलीट जस्टिस मिले जिसके लिए कि वे जिम्मेदार हैं। हमें देखना चाहिए कि इसके रास्ते में कोई भी चीज हायल न हो। दूसरे मुल्कों में कुछ भी हो हमें कोई वास्ता नहीं है, प्रिवी काउंसिल में कुछ भी हो, हमें कोई वास्ता नहीं है। यहां पर हिन्दुस्तान में ऐसी व्यवस्था होनी चाहिए जिसमें कि कम्पलीट जस्टिस लोगों को मिल सके। कोई भी किसी तरह के रूल नहीं बनने चाहियें जिससे कि डेथ सेंटेंसिस में किसी की जुरिस्डिक्शन कम होने की बात हो। हर एक कोर्ट यह चाहती है कि मेरे खिलाफ एरियर्स न हों, एरियर्स कम हों। मुझे खुशी है कि सुप्रीम कोर्ट में अब तक ऐसा एटमसफीयर नहीं आया है जिस तरह का कि कई दफा सैशन कोर्ट में या दूसरी लोअर कोर्ट में दिखाई पड़ता है कि एक लिमिट रख दी गई है कि इतने केसिस डिसपोज आफ करने हैं और अगर इतने नहीं किये गये तो

[पंडित ठाकुर दास भार्गव]

जो हाई कोर्ट है, वह पुल अप करेगी । लेकिन जो हम्बल लायर्स हैं, जोकि सैशन कोर्ट में या दूसरी कोर्ट्स में प्रेक्टिस करते हैं वे जानते हैं कि किस तरह से जजिज़ मर्डर केसिस तक में ज्यादा जिरह करने की भी इजाज़त नहीं देते हैं । मुझे खुशी है कि यह चीज़ अभी तक ऊपर वाली कोर्ट्स में नहीं है कि इतना वक्त देंगे इससे ज्यादा नहीं देंगे । हम यहां पर पार्लिमेंट में भी देखते हैं कि टाइम फिक्स कर दिया जाता है और कह दिया जाता है कि इतने वक्त में स्पीच खत्म हो जानी चाहिए । मुझे याद है कि आर्म्स एक्ट में या किसी और एक्ट के सिलसिले में हम ने बीच में ही कह दिया था कि इट मस्ट बी फिनिश्ड इन सच टाइम और इसका नतीजा यह हुआ था कि बहुत सी इम्पार्टेंट क्लाज़िज़ इसी तरह से पास कर दी गईं । लेकिन इस तरह का कोई रूल अभी तक शुक्र है, सुप्रीम कोर्ट में नहीं है । मैं आपके ज़रिये से अपनी आवाज़ आनरेबल जजिज़ के कदमों में पहुंचाना चाहता हूं कि कम्पलीट जस्टिस अगर करना हो तो इस तरह की कोई लिमिट कि हाई कोर्ट में यकीन या गवाही हो चुकी है नहीं लगनी चाहिए और जो जो भी बाधायें उपस्थित होती हैं उनको दूर किया जाना चाहिए । इस तरह की बातें लोगों की समझ में नहीं आती हैं । लोग बड़े दुखी हो कर वापिस लौटते हैं । हजारों ऐसे केसिस हैं जिन के अन्दर लोअर कोर्ट्स से इंसाफ लोगों को नहीं मिलता है और बावजूद इसके कि वे कितनी कोशिश करते हैं, वे इंसाफ नहीं पा सकते हैं । मेरा भी ५० साल का तजुर्बा है और मुझे मालूम है कि कितने ही केसिस में बेगुनाह लोगों को सज़ायें हो जाती हैं । जो क्रिमिनल केसिस होते हैं, रायट केसिस होते हैं, जिन में पांच या पांच से ज्यादा आदमियों का चालान होता है, उनमें मुझे अभी यह देखना बाकी है कि सब के सब आदमी गुनहगार हों । अब इन मामलों में पुलिस भी कुछ नहीं कर सकती है क्योंकि सब गवाहियां एक हैं । सैशन जज क्या करे ? वह या तो सब को छोड़ दे या सब को सज़ा दे दे । हाई कोर्ट और सुप्रीम कोर्ट के जजमेंट भी मैंने देखे और उन्होंने भी कहा है कि गवाहियां एक हैं, हम क्या करें । यह सब कुछ हो सकता है लेकिन इंसाफ क्या कहता है इसे हमें देखना होगा । इंसाफ कहता है कि दूध का दूध और पानी का पानी हो । इसको अगर हम नहीं कर सकते हैं तब तो दूसरी बात है लेकिन कोशिश हमारी यह जरूर होनी चाहिए कि दूध का दूध और पानी का पानी हो । इसको करने के रास्ते में जो रुकावटें आती हैं, हमारा फर्ज़ है कि हम उनको दूर करें । उनको कम्पलीट पावर है और यह भी पावर है कि कच्ची पेशी में ही खारिज केस को कर दिया जाये । लेकिन ऐसे केसिज़ में जो इंसाफ कोई एक्सपेक्ट करता है वह उसको नहीं मिलता है । इसलिए ५० फी सदी से ज्यादा कच्ची पेशी में फौजदारी मुकदमे खारिज न होने चाहियें ।

जहां तक इंटरफीयरेंस का सम्बन्ध है, मैं चाहता हूं कि वह नहीं होनी चाहिए । इंसाफ होना चाहिए । यह बात जरूर है कि दोनों तरफ उनको देखना होता है । लेकिन जो शख्स फर्स्ट कोर्ट से हाई कोर्ट तक अपनी सारी जायदाद खत्म करके सब कुछ खत्म करके, इंसाफ के लिए पहुंचता है, वकील करता है, साथ ही साथ कापीज़ छपवाता है, कई सौ रुपया खर्च करता है और उसके बाद कहीं उसकी रिट पेटिशन तैयार होती है, उसको अगर दो मिनट के अन्दर ही यह कह दिया जाता है कि नथिंग देयर, दी हाई कोर्ट हैज़ बिलीव्ड इट, तो इसको जब वह वापिस जाता है तसल्ली नहीं होती है । वह ऐसा नहीं समझता है कि उसको इंसाफ मिला है । ज्यादा तवज्जह इस तरफ दी जानी चाहिए । इस तरह के केसिस के अन्दर किसी रूल को हायल न होते देकर अच्छी तरह से उनको देखा जाना चाहिए । अगर ऐसा नहीं किया जाता है तो जजों की तादाद भी बढ़ती है और उनका वक्त भी जाया होता है । जो

तादाद केसिस की आनरेबल मिनिस्टर साहब ने बताई है वह फिलवाका बड़ी डिसएप्वाइंटिंग है । वह फिगर खुद अपनी टेल बताती है । और मुझे ऐसा भी प्रतीत होता है कि सुप्रीम कोर्ट में सिविल मुकदमात के फैसले ठीक करने की टेलन्ट बहुत है फौजदारी के मुकाबलतन कम है जजेस की तकररी में इधर भी ध्यान होना चाहिए ।

ला कमिशन की रिपोर्ट भी निकली है और उन्होंने भी जजिज़ के एप्वाइंटमेंट का ज़िक्र किया है और कुछ इस तरह की बात भी उन्होंते लिखी है कि हाई कोर्ट और सुप्रीम कोर्ट के जजिज़ कहां तक इंसाफ से काम करते हैं । उनके एप्वाइंटमेंट में या दूसरी कंट्रोवर्सी में मैं जाना नहीं चाहता हूं । वह सब चीज़ अब खत्म हो चुकी है । आनरेबल मिनिस्टर साहब ने भी एक बार इसके बारे में जस्टिफिकेशन दी थी । इस वक्त मैं उस झगड़े में जाना नहीं चाहता हूं । मैं अदब से अर्ज़ करना चाहता हूं कि जो ला कमिशन की राय थी वह देश की आम जनता की राय थी और देश की आम राय यह है कि जहां तक जजिज़ के एप्वाइंटमेंट्स का तरीका है वह ऐसा होना चाहिए कि जिसमें मेरिट को ही अहमियत मिले और दूसरी कोई कंसिड्रेशंस उसमें न आयें । जो कुछ पीछे हो चुका वह हो चुका और मैं उस में जाना नहीं चाहता हूं । लेकिन आइंदा के लिए हम चाहते हैं कि सिवाय मेरिट के किसी और चीज़ को कंसिडर न किया जाये ।

इस सिलसिले में वकीलों की एप्वाइंटमेंटस का सवाल भी उठता है । मैं श्री साधन गुप्त की राय से सहमत हूं कि अब वक्त आ गया है कि वकीलों को ज्यादा तादाद में इसके अन्दर लिया जाये । माननीय मंत्री जी ने अपने भाषण में कहा है कि उन्होंने कोशिश की है कि दो वकीलों को ले लिया जाये लेकिन उन वकीलों ने आने से इन्कार कर दिया । किन वजूहात से उन्होंने इन्कार किया, मैं नहीं जानता हूं । हो सकता है उन्होंने इस बिना पर इन्कार कर दिया हो कि तनख्वाह कम है । लेकिन मैं इस सब चीज़ में जाना नहीं चाहता हूं । मगर आनरेबल मिनिस्टर साहब ने जो अपील की है उसके साथ मैं अपनी हम्बल आवाज़ भी शामिल करना चाहता हूं कि अब वक्त आ गया है कि इस तरह की कोई कनवैंशन बननी चाहिये कि उनको इन्कार नहीं करना चाहिए और अगर वे इन्कार करते हैं तो उनको शर्म आनी चाहिए और उनको पिक्यूनरी बेनिफिट्स में ही नहीं जाना चाहिए । हो सकता है कि कुछ लोग हों जो पसन्द न करते हों कि उन बन्धनों में पड़ें जिन बन्धनों में कि सुप्रीम कोर्ट और हाई कोर्ट के जजिज़ को पड़ना पड़ता है । अगर कोई इन्कार करता है तो उसकी कई वजूहात हो सकती हैं, और इन में हे कुछ परसनल वजूहात भी हो सकती हैं । मैं इस सब चीज़ में जाना नहीं चाहता हूं । मैं तो इतना ही चाहता हूं कि कनवैंशन गोकि जिस शख्स को जगह आफर की जाये उसको समझना चाहिए कि उसको इज्ज़त बख्शी जा रही है, उनके कैरीयर का यह लास्ट कंज़म्मेशन है एंड दे आट नाट ट रिजैक्ट इट । लेकिन मैं इसके साथ ही साथ यह भी पूछना चाहता हूं कि क्या सरकार को दो ही शख्स मिले हैं ? सारे हिन्दुस्तान की बार है और उस सारी बार में क्या सरकार को दो ही शख्स मिले हैं ? बार में काबिल लोग हैं, पेट्रयोटिक लोग हैं और वे भी उन फरायज़ को अदा कर सकते हैं जोकि सुप्रीम कोर्ट के जजिज़ को अदा करने होते हैं ! बार एसोसियेशंस में वकीलों की तादाद कम नहीं है । अगर दो ने ऐसा किया है तो यह जरूरी नहीं है कि बाकी सभा भी ऐसा ही करें । मैं अर्ज़ करना चाहता हूं कि अब आप तीन और जजिज़ लेने जा हे हैं और अब जरूर ही लायर्स को मौका मिलना चाहिए ।

एक दूसरा सवाल भी है । हमारी हाई कोर्ट्स में भी लायर्स को काफी जगहें मिलती हैं और उन में से भी कुछ को कुछ अर्से के बाद यहां पर एप्वाइंट किया जाये तो उस तरह से

[पंडित ठाकुर दास भार्गव]

भी वह जगह लायर्स क्लास को ही आई । मैं चाहता हूं कि आपको लिबरली इसकी तरफ देखना चाहिए ।

Shri Aurobindo Ghosal (Uluberia): This Bill has been brought forward to increase the strength of the Supreme Court Judges from 10 to 13 in order to cope with the excessive flow of applications to the Court. It has already been pointed out by the hon. Minister that it has been provided that criminal cases should be disposed of within six months and civil cases within a period of two years. We find the figures of cases pending in the Supreme as on 1.1-58 on page 62 of Vol. I of the Fourteenth Report of the Law Commission. The total number of petitions pending under article 32 of the Constitution is 375. The number of appeals involving interpretation of the Constitution in civil matters in 428 and in criminal matters 53. The numbers of special leave petitions are, civil—127, and criminal—43. There were 980 ordinary civil appeals and 243 ordinary criminal appeals. The number of transfer petitions is 2. These cases have been pending from 1950. Of course, up-to-date figures for 1959 have been supplied by the hon. Minister. In the Fourteenth Report (Vol. I) of the Law Commission are also givens tatistics regarding special leave applications in labour matters.

It has been stated that the inflow of cases to the Supreme Court is due to the labour appeals. Now, from 1950 onwards, up to 1957, we find about 697 special leave appeals in labour matters are pending in the Supreme Court.

In the High Court also it is a horrible state of affairs. We find that in the Allahabad High Court, about 40, 834 cases are pending at the end of 1957; in Andhra Pradesh High Court, about 23,780; in Bombay, 16,393; Calcutta, 27,553; Madras, 16,318; in Patna 11,302 and in Punjab 14,896; in the other High Court also not less than thousands in each of them. Naturally, the problem of excessive pending cases both in the High Courts and in the Supreme Court is there.

Under article 136, there are a large number of cases coming before the Supreme Court because the Supreme Court has the widest jurisdiction and has the discretion to grant special leave to appeal from any judgment, decree, determination, sentence or order in any cause or matter passed or made by any court or tribunal in the territory of India.

I think that some of these cases can easily be taken up by the lower courts; and if the Supreme Court is satisfied that all the relevant points have been dealt with and considered by the lower courts and that justice has been done to both parties, under article 136, special leave to appeal to the Supreme Court may not be granted. To that extent the work of the Supreme Court may be reduced.

Ordinarily, the following three types of cases come up before the Supreme Court: cases of appeals on civil matters, criminal matters and cases of labour appeals and industrial relations. In so far as civil cases are concerned, it has been admitted, from time to time, that these are decreasing. But as far as the criminal jurisdiction of the Supreme Court is concerned, already the High Courts have been vested with sufficient powers. Now, only the labour cases remain. The Supreme Court has to admit large number of appeals because the High Courts have not enough jurisdiction in order to dispose of the appeals that might be coming before them. Because of the limitation imposed on the powers of the High Court under article 226 of the Constitution, the aggrieved parties have got to approach the Supreme Court and the Supreme Court has got to admit these appeals under article 136 of the Constitution.

The Law Commission is also of this opinion that a large number of applications for special leave in these matters made to the Supreme Court synchronises with the abolition of the Labour Appellate Tribunals. Already, the hon. Minister has said that they are thinking of re-introducing these Labour Appellate Tribunals. New labour legislation chooses tribunals against which there is no appeal. Quite naturally, therefore, in most cases the appeals come to the Supreme Court in cases of labour laws for unjust decisions of lower courts or tribunals.

It is these appeals in labour matters, as pointed out by the Law Commission in their report, which are clogging the progress of the work of the Supreme Court. It has been pointed out that if there are two parties in labour disputes, if they are encouraged to go for voluntary adjudication, then, it might be possible to settle the matters at the lower strata, and the least number of cases can come to the Supreme Court. So, that point has to be considered by the Minister—of setting up the Labour Appellate Tribunal—or reviving it—in order to check the inflow of cases to the Supreme Court in labour matters.

Under article 32, applications have been pending for more than 3 or 4 years. Ordinary civil appeals and other matters raising constitutional questions have also been pending for more than 4 years. Even some criminal appeals of 1955 have remained pending. The effect of the last increase in the strength of the Supreme Court judges does not seem to have yet made itself felt in the disposal of cases in the Supreme Court.

In the Law Commission's Report detailed statistics have been given; of the 2,126 civil appeals, only 274 are admitted by special leave; of the 794 criminal appeals, as many as 548 were instituted by special leave. It is obvious that in addition to the time taken in hearing appeals themselves, the disposal of special leave applications consumes a large part of the time of the Supreme Court Judges.

On 1st January, 1958, 9 petitions under article 32 pending from 1954 or earlier years were ready for hearing but could not be listed. Of the 23 civil ordinary appeals pending from 1953 or earlier years, 2 were ready, 4 were part-heard on that date and 18 civil appeals raising constitutional issues pending from 1954 were also ready for hearing. Out of 118 appeals of 1955, which were pending on that date, 38 appeals were ready but could not be listed due to want of time. 18 ordinary criminal appeals of 1955 and 94 of 1956 were also ready at the commencement of 1958. Out of the 45 criminal appeals filed from 1953 to 1955 in which constitutional issues arose, 24 were also ready for examination but could not be listed for want of time.

Considering the average disposal of cases in the Supreme Court we find that despite the increase in the strength of the Judges, it may not be able to clear off the arrears that are pending in the Supreme Court at present.

> "The figures indicate that the pending cases include as many as 481 appeals under article 132 which have to be disposed of by a Bench of Five Judges. It may be that several of these raise identical questions of law and are capable of being disposed of together. But even so it would seem that taking its present rate of institutions and disposals the Court will be adding to its arrears of work."

Lastly, I would like to point out, at the same time, that the number of future institutions in the Court may be raised as a result of the present amendment of the election law which has provided for appeals to the High Court, and if appropriate legislation recommended for appeals is enacted,

[Shri Aurobindo Ghosal]

that is, if Labour Appellate Tribunals are set up, then, of course, there is a chance of filing of less number of appeals in the Supreme Court.

It may also be possible that by appropriate changes made in the rules, the Court may be able to check the number by instituting a system of preliminary hearing by a single Judge or by a Bench of three Judges for article 32 applications and by leaving contested interlocutory and miscellaneous matters also to be disposed of by such Benches.

In my opinion two things are necessary: firstly, an attempt should be made to divest the concentration of powers in the Supreme Court, that is to finalise small disposals at lower levels; secondly, a change of procedure which is necessary to expedite the disposal.

Lastly, the administrative sections of the High Court and the Supreme Court should give up their *laissez faire* attitude. Now, what happens is this. Both sides go on fighting each other, developing a case and delaying according to their own convenience, taking recourse to various legal, enigmatic and circuitous ways and procedure and the case is taken up and considered as ripe when the two sides become tired and have exhausted all means of delay. My point is that if the administrative set-up is cautious enough to guide the development of a case without allowing it to go astray on useless and extraneous matters and to make active interference in bringing the case in its proper orbit, then of course the cases can be disposed of at an early date.

14 hrs.

Shri C. R. Pattabhi Raman: Mr. Deputy-Speaker, the Supreme Court of India is a unique institution. It is *sui generis*. It has got wider jurisdiction than the Supreme Court of the United States. It is very different even from the House of Lords because there are guaranteed rights to the citizens in India and it is in the hands of the Supreme Court to safeguard those rights. So, in many respects in the whole world our Supreme Court is a unique institution. The Chief Justice as a great and experienced lawyer and as a Judge and as Chief Justice has thought it fit and desires to increase the number of Judges and we must readily assent to it. The Law Commission has envisaged this in para 49 of its 14th report. They referred to the initial strength of 8 Judges which had been raised to 11 Judges in 1957. They further say:

> "This increase in the strength now enables the Court to function simultaneously in three Divisions, a Constitution Bench of five Judges and two Benches of three Judges dealing with ordinary civil and criminal appeals. The revised rules of the Court now permit a Division Bench to be constituted with two Judges . . ."

In paragraph 50, they go on to say:

> "Considering the average disposal of the Court per year it would appear that despite the increase in its strength it may not be able to clear the existing volume of arrears. The figures indicate that the pending cases include as many as 481 appeals under article 132 which have to be disposed of by a Bench of five Judges. It may be that several of these raise identical questions of law and are capable of being disposed of together. Even so it would seem that taking its present rate of institutions and disposals the Court will be adding to its arrears of work. It may also be mentioned that the figures in the Tables do not include civil appeals in which certificates have been granted and which have been admitted by the High Courts

under Order, XLV, Rule 8 of the Civil Procedure Code, as such appeals are not numbered in the Supreme Court until the record has received in the registry of that Court."

They also envisage and the House is already aware that we are going to have sooner than later appellate tribunal for labour cases. They refer to this and say:

"..It may also be that by appropriate changes in the rules the Court may be able to save its Judge-power by instituting a system of preliminary hearing by a single Judge, or a Bench of three Judges for article 32 applications and by leaving contested interlocutory and miscellaneous matters also to be disposed of by such Benches."

That is the position so far as the Law Commission is concerned.

There are some matters referred to with regard to article 32 and article 136. I sincerely hope that there would be no restriction of the powers of the court with regard to article 32 matters. Actually, in the *Romesh Thapar case* in which I had the honour to appear, the Chief Justice was pleased to observe that the right to approach the Supreme Court under article 32 was itself a fundamental right. Then we come to article 136. In criminal matters, in 1958, 761 cases were filed on which 128 were granted and 633 were dismissed. In 1959, 917 were filed and 142 granted and 775 dismissed. In 1960, till 31st March, 1960 308 have been filed and 30 have been granted and 221 have been dismissed. 57 are pending. Therefore, the work done by the Supreme Court has been enormous. Without realising the real position, frequent references are made to the holidays in courts. In the olden days there were certain authorised reports and they were keeping themselves *au fait* so far as knowledge was concerned but now there are practically fifteen High Courts and there are reports from every State. Not only that. All the States do not have the same kind of legal process. Some of them were part of the princely States. I am not saying that superior justice is being dispenced in some Courts, and inferior justice, in others. I am not suggesting it. More complicated matters come in and increase the work of the Judges. They have to deal with 15 courts' and appeals from these Courts. Usually comparisons are made with Judges in England and America. But ours in a tropical country and inspite of it the work that is being done is enormous. They write judgments in the week-ends and during the holidays. But their business is not merely to write judgements and deliver judgments. They have to keep a breast of the legal knowledge as jurists and of the laws in the country. They will have to read so much of legal literature. No one can therefore say that the holidays are too many. They deserve what they have. Otherwise, you will not have efficient dispensation of justice.

Then, there is a spate of legislation —State and Union legislation. It is enormous. I make bold to say that no young lawyer by himself who deals with advising work can really advise a client unless he has a big library and the latest amendments. Actually, sometimes, cases go on in courts and some persons comes in and points out that there has been an amendment recently and the whole case collapses. These amendments may not be available even to the courts. We are a welfare State and we want to catch up with the other advanced nations and improve the lot of the down-trodden and so there must be this legislation. But the fact remains that the work of the court has increased enormously and they need all the sympathy and respect that we can give them.

It may not be realised that our court judgments are not only erudite but they are appreciated even outside.

[Shri C. R. Pattabhi Raman]

I am not saying that we should depend upon appreciation abroad. Actually the judgments in some of the freedom of the speech cases and other cases were asked for in the Supreme Court of Washington. Some judgements are really appreciated abroad. It is no good our appreciating the great work done by our judges. They are very erudite and need all encouragement. I see some of my hon. friends laughing. It may be that they may have come across one or two instances where it may not have been up to the mark. I am glad they nod their heads. But the lawyers are also responsible for that. We are also responsible. I am a lawyer. One Judge was asked why this judgment in a certain appeal was very good and another was not so good. His reply simply was: look at the lawyers who assisted me. That is precisely the position. So, when I say erudite, I mean it. We are really proud of our Judges and the work done by them.

Shri Tyagi was saying that the lawyers should be punished because they take out frivolous applications on special leave matters. It is fantastic. A lawyer thinks many times before he puts in an application.... *(An Hon. Member*: Shri Tyagi is not a lawyer) But he is a respected Member and so I should not allow his statement to go without being contradicted.

Mr. Deputy-Speaker: I am sure he did not mean the hon. Member.

Shri C. R. Pattabhi Raman: I was saying that the lawyers think so many times. Whenever I have to deal with such a matter, I cross-examine myself and I think so often before I get up to speak in a Court. The learned Judges usually take us to task if the arguments are really frivolous and they will not allow frivolous applications to be moved. Simply because so many applications get dismissed, it does not mean that they are all frivolous. 90 per cent of the matters are dismissed, may be on account of there not being substantial questions of law involved or it may be also with regard to money involved or things like that. Therefore, Sir, I say that it is certainly not proper to question either the merit of the lawyer or equipment of the lawyer or, for that matter, even the Judges. It is not an easy matter to get a case admitted under article 136.

Dr. M. S. Aney (Nagpur): The hon. Member need not take any notice of these observations; they only show their ignorance over these matters.

Shri C. R. Pattabhi Raman: But, Sir, I want to tell my elder for whom I have the greatest respect, that these things go into records and go into papers. If they are not contradicted it really means that the case goes by default. I am not merely arguing this as a lawyer.

Finally, the learned Minister of State has already answered the point with regard to the amendment seeking to have a Bench of the Supreme Court at Bangalore. I only want to say that whatever powers the Parliament may have, in this Bill there cannot be any amendment providing for a Bench at Bangalore. Passing for a while, without expressing myself on the merits of the amendment, may I say that it is not a question like the High Court having a Bench at some place in Kerala? The Supreme Court itself had a Bench at Hyderabad—my learned friend forgets it—to deal with Hyderabad cases, and there is a provision for it in the Constitution. Reference was made to Kerala having a Bench of their High Court and the provision made in the Bombay Reorganisation Bill for a Bench at Nagpur. That is not really germane to this issue, for the simple reason that it is not enough if we have a Bench of 3. Supposing a case is started before a Bench of three Judges and after five minutes it is revealed that it is a Constitution question, then you must have a Bench of five Judges.

Shri Mohammed Imam: The Chief Justice of India will have the power to post that case to Delhi.

Shri C. R. Pattabhi Raman:. That means a case posted in Bangalore after the hearing has started will have to be reposted to Delhi. Are you going to have a Registrar there (*Interruption*)? Sir, I do not want to express on the merits of the amendment. The Parliament may have power, I am not concerned with that now, but this is not the occasion when an amendment like that could be moved.

With these words, Sir, I wish to say that the Bill is eminently worthy of support and I hope it will have the support of the House.

Shri Raghubir Sahai (Budaun): Mr. Deputy-Speaker, Sir, at the very outset, I might say that I support the Bill, but it is a bit difficult for me to agree with the contention that it is either a simple Bill or a non-controversial Bill, because to my mind it appears that it involves certain fundamental questions which have also to be considered by this House.

In the Statement of Objects and Reasons it has been stated that because the total pendency of cases has slightly-increased during the last three years as the disposals did not quite keep pace with the institutions, this Bill has been necessitated.

Now, if you look at the history of the Supreme Court you will find that article 124 of the Constitution provides that the Supreme Court shall consist of a Chief justice and seven other Judges, until Parliament Prescribes a larger number. In 1956, and amending Bill was introduced whereby the number of Judges was raised from 7 to 10, and only four years after, this Bill has been brought forward in which a demand has been made that the number of Judges should be raised from 10 to 13 excluding the Chief Justice.

Sir, may I know whether this would be the last amendment sought to be made by the Government or whether it would lead to other amendments hereafter for raising the number of Judges? This Bill has been necessitated because the institutions have grown high and the number of pending cases has grown higher.

This is true not only of the Supreme Court but of High Courts, lower courts, nyaya panchayats and other bodies as well. The hon. Minister was pleased to give us certain figures. I would not quote every one of them, but that would show the tendency towards the rise in the number of institutions and the number of pending cases. In 1950, the number of pending cases at the beginning of the year was 10 and the number of institutions was 1215. The number of cases pending at the end of the year was 700. In 1959, the number of cases pending at the beginning of the year was 2,428 and the number of institutions was 2,649. The number of pending cases at the end of the year was 2,598. That shows a huge rise both in the number of institution of cases as well as in the number of pending cases.

Mr. Deputy-Speaker: That shows the people are getting more and more litigation-minded.

Shri C. R. Pattabhi Raman: More and more aware of their rights.

Shri Raghubir Sahai: Sir, I am obliged to you for the remark made by you. It is also my contention that people are getting more and more litigation-minded.

Pandit K. C. Sharma: Conscious of their rights.

Shri Raghubir Sahai: There is one other thing, that even cases from 1950 onwards have been lying pending. The breakup of these old cases pending before the Supreme Court as on 1st January, 1960 is: 1950 cases—3; 1952 cases—11; 1953 cases—2; 1954 cases—17; 1955 cases—152; 1956 cases—243; 1957 cases—339; 1958 cases—541 and 1959 cases—820. These cases have been pending there for such a long time.

[Shri Raghubir Sahai]

As I said in the beginning, what is true of the Supreme Court is true of the other courts as well. My hon. friend who spoke just now quoted some figures relating to High Courts. I will only quote figures from the Allahabad High Court—I have taken these figures from the Report of the Law Commission. In the High Court of Allahabad, the number of cases pending at the end of the year 1949 was 15,604. This number has swollen up to 41,512 by the end of the year 1957. I have not got the figures for the later years, but this will show that within ten years the number has swollen three times.

In this connection, Sir, the Law Commission pointed out:

> "It is a matter of regret that in spite of timely warnings the gravity of the problem should not have been fully realised by the concerned authorities."

One of the remedies suggested was that the existing strength of 25 judges will be unable to keep pace with the current institutions. Therefore, the Law Commission has pointed out:

> "It is not easy to calculate the minimum number of judges required to deal with the current institutions."

Normal strength of the High Court will be at least 30 judges to be able to cope with current institutions. More judges would be required to clear the large accumulation of arrears. They have calculated that for the disposal of arrears 24 more judges would be required for one year or 12 judges for two years. Such a large addition to the strength of the High Court is of course not feasible.

Sir, these are the pregnant remarks from such an august body as the Law Commission. My own contention is that what they have remarked with regard to the high courts is equally true of the Supreme Court because we have seen the pendency within the last ten years and, how after a few years, the Government comes forward and says that the number of judges in the Supreme Court should be raised because the number of pending cases is very large. So, my contention is that we will have to find out some other remedy to meet this evil, and just as your good self remarked, it shows that the people are getting more and more litigation-minded.

In this very connection, while the 1956 Bill was being moved by the hon. Shri G. B. Pant, he remarked that the system of justice should be in accord with the genius of our people. I would like the hon. Shri Datar to make note of what Shri G. B. Pant was pleased to remark in 1956. The hon. Shri G. B. Pant said:

> "The system of justice should be in accord with the genius of our people and they would like to do all that can contribute towards the achievement of the same".

I would submit that it is the duty of the hon. Home Minister to come forward with such provisions and with such suggestions before this House whereby the system of administration of justice may be brought in accord with the genius of the people. Everybody knows, and even during this debate it was pointed out, that the present system from the lowest level up to the highest level, is a very costly system. My hon. friend Pandit Thakur Das Bhargava pointed out how many poor people could not afford to reach the precincts of the Supreme Court. Justice from the Supreme Court is denied to them, and there are very many cases where justice from even the high courts is denied to the people because they cannot afford to spend large sums.

Then again, what enormous delays take place in the decision of cases? Think of the cases that are filed in lower courts and the time that would be taken before they reach the

Supreme Court. Also, I would like to ask if there is any provision in the system of administration of justice whereby truth-speaking is encouraged? Do we not know that under the present system, perjury is rampant? That is the rule and not an exception. Where is the place for truth-speaking in this system of administration of justice? You very well remember, and the hon. Shri Datar also should be remembering that under section 342 of the Criminal Procedure Code, there is a provision that an accused can make a false statement. I submit that this is a direct encouragement to speak falsehood.

Mr. Deputy-Speaker: Is he again going to push forward his old Bill on this matter?

Shri Raghubir Sahai: I am pointing this out in support of my thesis that people are getting litigation-minded.

Mr. Deputy-Speaker: That need not be repeated at every opportunity that comes to the hon. Member.

Shri Raghubir Sahai: Sir, I will not take much time regarding these matters. But I would just point out that it was only last year that a Bill had been brought forward by me in order to make those two salutary changes in the Bill, and you very well remember that that Bill was sent out for eliciting public opinion. High court judges were consulted, bar associations were consulted, district magistrates were consulted and district judges were consulted. Indeed, all those who were competent to express an opinion were consulted. It is within the knowledge of this Parliament that the majority opinion was in favour of that Bill, but unfortunately, a majority of State Governments opposed it and on administrative grounds, therefore, the Bill was opposed by the hon. Home Minister and was then withdrawn by me.

I would like to submit at the end that at least that Bill which had made a beginning for a change in the system of administration of justice should be forwarded to the Law Commission with all the material so that the most authoritative opinion.....

Mr. Deputy-Speaker: I had requested the hon. Member to realise that this is not the opportunity of which he can take advantage, to have his Bill sent to the Law Commission!

Shri Raghubir Sahai: That is just a suggestion for a change in the system of administration of justice. After having said this, I support the Bill.

Mr. Deputy-Speaker: Shri Ajit Singh Sarhadi. Hon. Members should confine themselves to as little time as possible, because I have called the hon. Minister to reply at about quarter to three or so.

Shri Kalika Singh (Azamgarh): I also want to speak.

Mr. Deputy-Speaker: I cannot provide for every hon. Member who wishes to speak. They will all appreciate that the time is limited.

Shri Ajit Singh Sarhadi (Ludhiana): Mr. Deputy-Speaker, Sir, I consider the Bill to be of a non-controversial nature inasmuch as the amendment only seeks to increase the number of judges in the Supreme Court to meet a certain exigency. We have also got the assurance of the Minister in the Rajya Sabha and here too that when the accumulated arrears are cleared, then the retiring judges will not be replaced unless the arrears call for filling up the posts. Under such circumstances, I feel that the Bill is certainly of a non-controversial nature.

At the outset, I must declare that I stand for as small a number of judges in the Supreme Court as possible. But, at the same time, I would say that it is deplorable that the Supreme Court, the highest court of appeal in the land, should have so large arrears as have been pointed out, despite the expeditious disposal that is going on. Therefore, I think that the circumstances and the conditions do call for the additional appointment of

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judges. But since, unfortunately, in accordance with the Constitution, we cannot have additional judges of the Supreme Court in the same way as we are having at the high courts, the necessity of this Bill has arisen, and the Bill, as I said, is therefore of a non-controversial nature.

Now, the question of accumulated arrears has been discussed and debated in this august House from two aspects. Firstly that there has been an increase in the institution of cases and secondly, there has been a lessening in output. It is correct, as you have been pleased to remark, that this increase in the institution may be partly due to the increased litigation habit of the people. But it may also be due to the fact that there is an increased confidence in the highest court of appeal in the land. Every citizen tries to approach the highest court to get redress of his grievances and of the injustice that he feels has been done at the lower levels. How varied and wide is the jurisdiction of the Supreme Court is obvious from the figures that we have got in regard to the number of pending cases. You will find that the present figures are: pending cases about tax matters: 250; labour disputes, etc., 200; regular appeals, 950; writ petitions, 300 and criminal appeals, 300.

There are two views on the point about the increased institution. One view is that there should be a curtailment of power of the Supreme Court pertaining to the appeals and supervisory jurisdiction, and the other view is,—and it has been voiced in this House by my hon. friend Pandit Thakur Das Bhargava—that the Supreme Court should also be vested with powers to hear second appeals from those convictions where sentence is one of death, in the offence of murder, etc. My feeling is that the law as it stands, particularly article 136 which leaves the discretion to the Supreme Court, is absolutely just and equitable, and should stand as it is. In a democratice State, nobody will deny that we should have the highest forum to safeguard the fundamental rights of the citizen. That is what is laid down in article 32. Nobody denies that the highest court should also have the right of interference where they find natural justice not being given or excess of jurisdiction exercised or errors apparent on the face of the judgment. The Supreme Court alone can judge this and we should not interfere with the present situation. So, we would not be justified in criticising that a large number has been rejected *in limini*. That is entirely within the discretion of the Supreme Court. We appreciate that they have been doing their best in this matter and administering justice. But I do plead that at the lower level, there should be decentralisation of administration of justice and more powers should be given to the *nyaya* panchayats and other institutions. They should be given powers both in the criminal and civil cases. But at the level of the Supreme Court and High Courts the powers given to the Supreme Court and High Courts should be as they are and there should be no interference.

Coming to the point that there can be more output, I agree with the Minister that the disposal has been quite sufficient. Situated as they are, the judges have to do hard and heavy thinking and hearing the whole day, we do not think there can be higher disposal than they are already doing. So, I submit it is wrong to say that their powers should be lessened by curtailment and more work taken from them. The situation as it is is quite good and sufficient. I am sure the Supreme Court would be able to clear off the arrears by this increased number of judges.

Regarding the recruitment of Supreme Court Judges, I certainly support the hon. Member from Calcutta when he said that there should be

more representation of the bar. I find in the appointment of the High Court Judges also, the old convention that the number from the services should be one-third and the rest should be from the bar has not been adhered to and is being encroached upon. I feel it is essential that the talent of the bar should not only be utilised in the High Courts, but also in the Supreme Court and the age level should have no consideration. The hon. Minister knows very well that judges have been appointed at a very young age in UK and USA. There is the convention, which he enunciated, which exists in the U.K. that when the Lord Chancellor calls upon a member of the bar, then the appointment is accepted as an honour, without any monetary consideration. I believe with the development of the All-India bar, we would be able to develop that convention for the purpose of a healthy judiciary and a healthy bar.

In the matter of recruitment to the Supreme Court, I respectfully submit that the Minister should consider one fact. Whereas efficiency, merit and talent should be the primary consideration for appointment of Supreme Court Judges, regional considerations also should be taken into account. I have emphasised very strongly that in the matter of appointment, particularly to the highest level of the judiciary, it should be only merit that should count. But all the same, in a big country like ours, regional considerations cannot be overlooked. In the matter of bifurcation of Bombay, when the policy statement was being laid made by the Chief Minister of Bombay, one point in the policy statement was adequate consideration will be given to Vidharba while recommending judges from the bar and services of that region. So, we have conceded that principle and have accepted that in the matter of appointment, in addition to merit, efficiency and talent, regional considerations also should be taken into account. Simultaneously with it, we have to consider the interests of the sections of the people also while finalising the appointments. I am not invoking anything which is bad and which will bring in inefficiency in the courts of law in any way. I am the strongest supporter of the view that there should be utmost efficiency in courts, but in a vast country like ours, regional and sectional considerations should also be taken into account.

Lastly, I heartily support the hon. Member from Calcutta and also Pandit Thakur Das Bhargava in their view that the judiciary and the executive must remain separated. For a very long time, I have practised at the district level and I find there is inter-mixing of the two in some districts. Meetings are called by the Deputy Commissioners where the judiciary is made to sit with the executive and the law and order situation is discussed and the magistrates are criticised as to why so many people have been let off. This is a very bad practice which must be put an end to. I hope the Home Minister will take this up. It is very unfortunate that whereas the directive of the Centre is that the judiciary and the executive should be separate, in my problem State, this matter of separation has been put in cold storage for three years, which the hon. Minister knows very well. It is extremely bad. The conditions are normal.....

Shri Ram Krishan Gupta: Conditions are abnormal.

Shri Ajit Singh Sarhadi: My hon. friend to my left says that conditions are abnormal. They are absolutely normal. I need not go into the figures. I submit that there is no reason why there should not be separation of the executive and the judiciary and why it should be put in cold storage for the next three years.

From whatever aspect you look at it, we have got to have a forum of integrity and honesty and there cannot be a greater and better forum than the Supreme Court. So, I sup-

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port this Bill which postulates that the number of Judges should be increased.

श्री राधेलाल व्यास (उज्जैन): उपाध्यक्ष महोदय, जहां तक इस बिल का सवाल है, कोई मत भेद इस बात में नहीं है कि जजेज की संख्या बढ़ाई जाये। लेकिन प्रश्न यह है कि न्यायाधीशों की संख्या बढ़ाने के बाद भी जो उद्देश्य इस विधेयक के अन्तर्गत है कि मुकदमों की संख्या बढ़ गई है और उन का फैसला जल्दी हो और लोगों को न्याय मिले वह सम्भव हो सकेगा या नहीं, उस उद्देश्य में सफलता मिलेगी या नहीं। मैं समझता हूं कि केवल न्यायाधीशों की संख्या बढ़ाने से जो बकाया बढ़ती चली जा रही है, जो मुकदमों की संख्या बढ़ती चली जा रही है, उस में कमी होने वाली नहीं है। जजेज की संख्या बढ़ाई जाये, ठीक है, वह बढ़ाई जानी चाहिए, लेकिन क्या और भी बातें ऐसी हो सकती हैं जिन के करने से मुकदमों के फैसले जल्दी हों और उन की इतनी बकाया बढ़े नहीं, इस पर भी हमें ध्यान देने की जरूरत है।

यह दुर्भाग्य की बात है कि आजादी के मिलने के बाद भी अभी तक हमारे देश में पुराना वातावरण चल रहा है, जैसा कि अंग्रेजों के जमाने में था और उसी तरह से हम सोचते हैं। हाई कोर्टों और उन से ऊंचे के न्यायालयों में जजेज ज्यादातर अंग्रेज हुआ करते थे। यह देश उन के लिए गर्म मुल्क था। वे गर्मी के मौसम में अपना काम नहीं कर सकते थे और वे यह इच्छा रखते थे कि कुछ महीनों के लिए फिर अपने वतन को लम्बी छुट्टियां बिताने के लिए चले जाया करें। मैं यह जानना चाहता हूं कि क्या किसी भी आजाद मुल्क में ढाई ढ़ाई, तीन तीन और चार चार महीनों की छुट्टियां जजेज मांगते हैं? आज हमारा देश गरीब है, हम अपने हाई कोर्ट स और सुप्रीम कोर्ट के जजेज को तन्ख्वाह भी अच्छी देते हैं जब कि हमारे प्राइम मिनिस्टर और दूसरे मिनिस्टर्स २२५० रु० से ज्यादा नहीं लेते हैं। जहां हमारे देश के लोग एक तरफ काफी गरीब हैं, किसी तरह से भी सुखमय जीवन नहीं बिता सकते हैं, वहां जब हम जजेज को इतनी तन्ख्वाह देते हैं, जो कि हम आसानी से नहीं दे सकते हैं, तो क्या हम उन से यह आशा भी न करें कि वे बारह महीने काम करें? आज दूसरे देशों में जहां ढ़ाई महीनों की वैकेशन नहीं होती जहां पर जजेज ढ़ाई ढ़ाई महीनों की छुट्टी नहीं मांगते हैं, वहां पर हम इतनी बकाया नहीं देखते। यह दुर्भाग्य की बात है कि आज हिन्दुस्तान में अदालतों में इतना बकाया पड़ा रहे और इतनी लम्बी लम्बी छुट्टियां वहां पर हों। कुछ दिन हुए मैंने एक रिटायर्ड जज हाई कोर्ट के थे उन से पूछा कि आखिर आप का बहुत तजुर्बा है क्या आप बता सकते है किसी दूसरे देश में इतनी लम्बी छुट्टियां होती हैं? तो उन्होंने कहा कि मैं जानता नहीं वहां क्या होता है लेकिन यह ठीक है कि जजेज को आठ दिन में एक दिन का आराम मिलता है। मैं मानता हूं कि यहां काफी काम है, सब कुछ है, लेकिन छुट्टी उन को एक सप्ताह में एक जरूर मिलती है। हमारे यहां मिसाल मौजूद है, हमारे प्राइम मिनिस्टर साहब और दूसरे मिनिस्टर साहबों को इतवार की छुट्टी बराय नाम मिलती है। उन को काम उस रोज भी करना पड़ता है। हमारे सेक्रेटरीज और हेडस आफ डिपार्टमेंटस भी हैं, वे रात को नौ नौ बजे तक आफिस में बैठ कर काम करते हैं। बारह महीने अगर वे ऐसा कर सकते हैं तो फिर हमारे जजेज इस तरह से काम क्यों नहीं कर सकते? अब तो सब जगह एअर कंडिशनिंग हो गई है, ठंढी हवा मिल सकती है सुप्रीम कोर्ट की बिल्डिंग में और हाई कोर्टस की बिल्डिंग्स में कमरों में भी और चैम्बर्स में भी, साइंटिफिक डेवेलपमेंट आज कल इतना हो गया है कि वे कोई अच्छा विटैमिन ले सकते हैं और अपनी एनर्जी बढ़ा सकते हैं।

उपाध्यक्ष महोदय : इस को बहुत लम्बा आप न कीजिये ।

श्री राघे लाल व्यास : मैं केवल इस बात पर जोर देना चाहता हूं कि काम के घंटे भी बढ़ाये जायें, केवल जजेज की संख्या बढ़ाने से काम नहीं चलेगा । यहां सवाल केवल हाई कोर्ट और सुप्रीम कोर्ट का ही नहीं है, हम ने अपने कांस्टिट्यूशन में यह कहा है कि सब को इंसाफ मिलेगा । मैं आप से क्या अर्ज करूं, मैं ने उज्जैन में देखा कि डिस्ट्रिक्ट सेशन्स कोर्ट में सिविल केसेज में दो दो साल तक तारीखें नहीं लगीं । जहां कोर्ट फीस महंगी हो गई है, सारे प्रासेस आफ ला की फीस महंगी हो गई है, वहां दो दो साल तक तारीखें न लगें तो क्या हम आशा करें कि लोगों को न्याय मिलेगा ? मेरा निवेदन है कि इस पर गम्भीरतापूर्वक सोचना चाहिए । मैं तो सुप्रीम कोर्ट के जजेज और चीफ जस्टिस साहब से और हाई कोर्टों के जजेज और चीफ जस्टिसेज से अपील करूंगा कि वे खुद सोचें और काम करने के घंटे बढ़ायें और लम्बी छुट्टियां लेना कम करें ।

दूसरी बात मैं प्रोसीजर के बारे में कहना चाहता हूं । मेरे एक मित्र ने सुझाव दिया था कि अगर सारा काम ठीक ढंग से किया जाय और इतनी लम्बी तारीखें न पड़े तो इतनी लम्बी मुकदमेबाजी न चले । इस सम्बन्ध में मेरे एक मित्र ने कहा कि इस में वकीलों का कोई दोष नहीं, वह लोग कोई गड़बड़ी नहीं करते हैं । लेकिन वकीलों में से भी कुछ एसे लोग हैं जो जान बूझ कर ऐसी कार्रवाइयां करते हैं जिस से काफी मुकदमा पेचीदा हो और मुकदमे बाजी लम्बी चले । इन बातों की तरफ भी ध्यान देना चाहिए । चीफ जस्टिस को हाई कोर्ट के जजेज के काम को देखना चाहिये और हाई कोर्टस् के जजेज अपने सबआर्डिनेट कोर्टस् को देखें । वह जा कर पता लगायें कि वहां काम किस तरह से होता है, फाइलों का काम किस तरह से होता है । वह लोगों के सम्पर्क में आयें और देखें कि लोगों को ठीक न्याय मिलता है या नहीं, आखिर मुकदमों के फैसलों में क्यों देरी होती है और उस को कैसे दूर किया जा सकता है । अगर इन सब चीजों को देखने की कोशिश की जायेगी और छुट्टियां कम की जायेंगी और काम की तरफ ज्यादा ध्यान दिया जायेगा तो मुझे विश्वास है कि केवल जजेज की संख्या बढ़ाने से तो काम नहीं चलेगा लेकिन इन सब बातों को कर के जरूर जनता को न्याय मिल सकेगा ।

Shri Easwara Iyer: I am not in any way opposed to a Bill which provides for increasing the number of Judges in the Supreme Court, because in recent times the clamour for disposal of cases on the ground that justice has been delayed is too much, and justice delayed is justice buried is an old worn-out maxim. The number may be increased to 14, 13 being an unlucky number, and I have not the least objection to that.

Shri V. P. Nayar: 13th Judge may not prove to be a Judas.

Shri Easwara Iyer: Personally speaking, I am a believer neither in hurrying justice nor in delaying justice. So, on that point, if for the efficient and expeditious disposal of cases the number of judges in the High Court and the Supreme Court has to be increased, that has to be done.

But on this point I want to say something. We have been insisting too much on delays in courts of law. In fact, it has become a fashion of the day for everyone to say that there has been delay in judiciary and our people, both inside and outside Parliament, have been saying that there have been too much delays in courts of judiciary with the result that of late there has been a tendency for the courts of justice to become courts of discipline—I am saying this with great regret—particularly in the case of the subordinate judiciary. At present whenever a case is posted before a particular judge, he finds it

[Shri Easwara Iyer]

easy for him to have disposal on default and the provisions of Order 9, rule 13, of the Civil Procedure Code may not be available because then he may refuse to restore the suit. It has become an ordinary rule, because we clamour that there has been delay in disposal of cases. When we look at the question of disposal in courts of justice, both sides have to be heard some times the legal representatives have to be impleaded and the judges have to come to the conclusion after hearing the laws from both sides. It will naturally take some time.

And who is, after all, to complain about delay in courts? Is it for me or the hon. Minister? It is for the persons who go to the courts of law to complain? I am sure that if we take statistics of the litigant public who go to the court to get justice, there will be absolutely no complaint on the ground of delay in the courts of law. Perhaps there may be an extreme case of delay, where cases may be pending in the Allahabad High Court or the Kerala High Court or other courts, cases pending from 1952 or 1955. But, then, if we take the delay in courts of law, is there not delay in the executive? I have come across an incident where a retired gentleman complained that his pension case was not settled, and his pension papers were settled seven years after his death. Is it not a delay in the executive? Where the executive has to decide without hearing any parties, an arbitrary and capricious decision has to be arrived at, even for the executive it takes years and years. But when we come to the court of law people say there is delay. I for myself would say that this clamour for expeditious disposal of cases has its ill effects.

Regarding the Law Commission's recommendations in the matter of choice of personnel to the judiciary, I am personally of the opinion that it has become an unwarranted blessing for us. The Law Commission stated that seniority should not be the guiding rule. But it should not be made an invariable rule to ignore seniority. It has become a fashion for everyone to say that persons of merit should be appointed. Of course, the senior judges need not always be made the Chief Justices; that is correct. If another judge is found to be brilliant enough, intelligent enough, in very extraordinary circumstances, the Chief Justice may be appointed ignoring seniority of another Judge. But invariably to ignore seniority will create a sense of frustration in the senior Judges. If Judges of the High Court are appointed on qualification by the President, in consultation with the Chief Justices, and if they are found fit to be appointed as Judges of the High Court, to ignore their seniority on the ground that another man superior to them in point of intellect or merit or erudition is there to be appointed as Chief Justice, is not the proper way of doing things. I am of the view that as an invariable rule seniority should not be ignored.

I am not citing any example. In our State we have been given a senior Chief Justice. I am not commenting upon the character or capacity or erudition of the Chief Justice. But if the Chief Justice of Kerala State is appointed from another State for the purpose of ignoring the seniority of one of our Judges, I would personally say that he is equally efficient as the Chief Justice who has been now appointed.

Such ignoring of the seniority of Judges of the High Courts will amount to a sense of frustration. I am not holding a brief for this Judge or for that Judge. But that should not be adopted as an invariable rule. If you look at the Madras High Court, there seven or eight of the senior Judges have been ignored for the purpose of appointing another District Judge, who is very much junior, as the High Court Judge. How is it

that that Judge is superior to the other Judges? If the senior Judges are incompetent or are corrupt, it is up to us to dismiss them from the judiciary because we want the judiciary to be without blamish. You take shelter behind the Law Commission's Report that seniority should not always be the guiding principle. I say that it has been given to us as an unwanted blessing. I must insist upon the seniority of the Judges being not ignored at least for not creating a sense of frustration in Judges who have to function efficiently in future also.

Then regarding the appointment of Judges to the Supreme Court, I am at a loss to see why women judges are not appointed to the Supreme Court. Why not appoint women? If there are efficient women among the members of the Bar or judiciary, we can appoint a woman Judge also to the Supreme Court.

Then, I agree with what Shri Sadhan Gupta said regarding the appointment of Supreme Court Judges from among the members of the Bar. The hon. Minister said that proper members of the Bar are not available. About that he gave two instances. Is this the process by which you can come to the conclusion that members of the Bar are unwilling? Just because the hon. Minister spotted about two unfortunate instances where they refused to accept that, he made it a universal rule that the members of the Bar will not accept it.

An Hon. Member: Because the Bar is more lucrative.

Shri Easwara Iyer: If the Bar is more lucrative, I am of the view that members of the profession will still regard it as an honour and as their duty, as there is an existing convention among the members of the Bar, to serve the country by accepting the Supreme Court Judgeship if it is offered to them. If there are two stray instances which have been cited by my hon. friend, it is rather very unfortunate that they have not accepted it. They may be exceptions to the rule, rather than the rule itself.

Lastly, I have got one point, though it may not be very relevant to the Bill in view, which I may bring to the attention of the hon. Minister. For article 32(2) petitions to the Supreme Court, which is the guardian angel of our fundamental rights the rules of the Supreme Court has increased the fee. It is Rs. 50 for filing an article 32(2) petition. Once a *prima facie* case is there and it is admitted, you must give security for the cost which is Rs. 2,500. It is a case where fundamental rights have to be purchased in this way. It must be reduced. If the Supreme Court finds that there is a *prima facie* case for admission because there is a fundamental right which is guaranteed by Part III of the Constitution has been infringed, why insist upon the security of the cost? That is a matter which I would like the hon. Minister may take notice of for future guidance. That is all I have to say.

Shri Mohammed Imam: Can I speak on my amendment?

Mr. Deputy-Speaker: Yes, on whatever he wants to speak. But I have learnt that perhaps the hon. Speaker had a doubt whether it was at all admissible. I do not think he has given a decision. But he doubted its admissibility and I shall decide it.

Shri Mohammed Imam: I generally support this Bill. Article 130 of the Constitution lays down that the Supreme Court shall function either at Delhi or in any other place which the Chief Justice may recommend and the President may approve. The Supreme Court came into existence more than ten years ago and till now the spirit of this article has not been observed. The hon. Minister in his opening speech observed that there is already this provision in the Constitution and as such there is no need to bring this proposal before this House. While I admit this provision,

[Shri Mohammed Imam]

the facility that has been provided under this article has not been utilised to give better facilities and to dispense justice throughout India as judiciously and as efficiently as it ought to be.

Our country is a land of distances. It is a vast country, sometimes called a sub-continent. The entire country and the entire populace is under the protection and the jurisdiction of the highest court of the country. It is the most important institution under a democratic Constitution which guards the rights and privileges of the population of the citizens of the country. It is the guarantor and protector of the fundamental rights which are the most important rights conferred on the people. For an adequate discharge of the responsibilities of the Supreme Court and to see that the fundamental right of every citizen is protected, it is necessary that the Supreme Court is in close contact and proximity of the people over whom it has jurisdiction.

The present seat of the Government is at Delhi which is in the extreme north of the country. There are States which are far removed from the seat of the Supreme Court. The State of Kerala is more them 2,000 miles away. The State of Mysore is more than 1,800 miles away. Similar is the case with Madras and Andhra. This long distance not only involves considerable cost, stress and strain on the litigant public but virtually on account of the high cost and this strain, justice is denied to them. Article 14 of the Constitution lays down that everyone will have equal opportunity and equal protection of law. For this purpose it is quite necessary that one is given all facilities and no undue disadvantages are brought in one's way.

Mr. Deputy-Speaker: Distance to the court from different places should also be equal?

Shri Mohammed Imam: It must be made equal. That is what my aim is.

This Court has got wide powers. It has got wide jurisdiction. Every citizen looks up to the Supreme Court, the highest court. But as it stands now, I say justice is denied and very few people can take advantage of it. It is only those who can afford to pay, it is only the rich and it is only those who can afford to spend thousands and thousands of rupees on litigation, within whose reach it is to get redress from the Supreme Court and not others.

It is a well known fact that if anybody comes to the Supreme Court, he has to spend thousands and thousands of rupees and by the time his case is disposed of, perhaps he will have spent a small fortune. A person travelling from the South has to spend thousands of rupees every trip, and if he is accompanied by a lawyer like Shri C. R. Pattabhi Raman, he will have to spend double that amount. That is why I say that justice is denied to them, and they cannot take advantage of the protection given to them under the Constitution. That is why I plead for a separate Bench in Bangalore or any other convenient place, so that justice may be within the reach of all.

15 hrs.

Besides, it will have other advantages, which will out-weigh the disadvantages, if any. The cost incurred to establish a separate Bench will be negligible compared to the savings to the whole community. There are many advocates in the South, who on account of this long distance, cannot exercise their right to practise in the Supreme Court. They are denied this opportunity, and they have to approach lawyers in Delhi. The local lawyers who have to deal with cases in their States can handle them much better than lawyers far away from that area, since

they are conversant with the many laws and customs peculiar to those States. So, it is in the interests of the country and the litigant public that Government take necessary steps to establish a separate Bench at Bangalore.

This does not in any way derogate from the functions or powers of the Supreme Court. The Supreme Court will continue to be the supreme body, and they can constitute the Bench as they please. If there are any important cases, they can hear them in Bangalore. I request the Government to give this sympathetic consideration as they will lose nothing, while conferring a great benefit on the citizens living in the far-off areas.

Mr. Deputy-Speaker: I ought to call the hon. Minister now, but three or four Members are insistent. If they can limit their remarks to five minutes, I can accommodate them.

Shri Kalika Singh: I want less than five minutes.

Mr. Deputy-Speaker: Then I will come to him surely.

Shri Satyendra Narayan Sinha.

Shri Satyendra Narayan Sinha: As has been pointed out, this is a simple measure and there should be no difficulty in accepting it. All those who are interested in the quick disposal of cases will welcome any kind of proposal which will serve the purpose. We all know that if there is delay in dispensing justice, it not only discredits the judiciary, but also defeats the very purpose, and that is why the House readily agreed to Government's proposal in 1956, but it does not look nice that within three years they have to come to the House again for increasing the strength of Judges by three more. The Government ought to make up their mind; otherwise, it creates a wrong impression in the country we are too ready to accept their proposals without caring for the expenditure involved.

In spite of all that we do, there is the problem of mounting arrears. The hon. Minister announced today that a large number of cases which came to the Supreme Court on account of the abolition of the Labour Appellate Tribunals, and which actually clogged the work of the Supreme Court, would not now be coming because there is a proposal to revive the Labour Appellate Tribunals. But then, as some hon. friends have pointed out, why is it that so many cases come to the Supreme Court? Can something be done to reduce the number? I do not desire to restrict the jurisdiction of the Supreme Court by saying this. In fact, I welcome the jurisdiction conferred on the Supreme Court under article 136 of the Constitution which is of the widest amplitude and which has been exercised so far to prevent grave miscarriage of justice. In fact, the way it has been exercised has generated a sense of confidence in the litigant public.

But there is the question whether or not the Supreme Court has been a little liberal in dealing with such cases. The Law Commission has also discussed this question. At the very beginning of its career, the Supreme Court did lay down a very strict test for it, almost on a par with the test laid down by the Privy Council. The Privy Council, too, had the same jurisdiction, but they were chary of exercising it in normal cases, except when there was a grave failure of natural justice and irregularities affecting the decision of a court. Some such convention ought to be developed whereby the impression that has been created on the litigant public that any and every case which has been decided by the High Court can be brought to the Supreme Court for some sort of redress, can be dispelled, because the Law Commission also has said that in some cases the Supreme Court has granted special leave even on questions of sanctions which does not appear to a lay man at least to be right.

Mr. Deputy-Speaker: We need not go into the merits of individual cases.

Shri Satyendra Narayan Sinha: I am only referring to the general impression created that any and every case can be brought up. That is exactly why Shri Tyagi raised this question this morning when it was resented to by a few hon. friends as an aspersion on the lawyers. As far as I could understand, his question was: why is it that so many cases are being filed, although the Supreme Court has admitted only a few out of them? There must be some check on this. I suggest the Supreme Court might consider the necessity of revising their rules so as to require a certificate from the lawyer concerned saying that the special leave application is on grounds which involve a substantial question of law, is to prevent miscarriage of justice or something of the kind, as a similar certificate is required for a second appeal to the High Court. The Review applications to the Supreme Court have also to be certified by the lawyers.

Then I wish to refer to recruitment.

I, for one, have been pleading whenever this question has come up before this House, that there should be recruitment to the Supreme Court from the Bar. Although the Home Minister assured the House last time that every effort had been made to recruit judges from the Bar to the Supreme Court, still they have failed so far. This morning also, the Home Minister said that in two cases, the lawyers themselves had declined the offer. But if he widens the area of selection and takes care to invite such persons as have already distinguished themselves at the Bar and can look forward to a long career on the Bench, perhaps, he will not meet with this disappointment.

I once again plead with the Home Minister that he should take special care to recruit members of the Bar to the Bench.

श्री राम कृष्ण गुप्त : जनाब डिप्टी स्पीकर साहब यह जो बिल पेश किया गया है, यह निहायत जरूरी है और मैं इस के हक में हूं। मैं इस के बारे में इतना ही कहना चाहता हूं कि जहां तक कि सुप्रीम कोर्ट का सवाल है यह ठीक है कि जब सुप्रीम कोर्ट कायम किया गया था उस रोज से लेकर आज तक इस का काम बढ़ता जा रहा है। इसी लिये हमें आज जजों की तादाद बढ़ाने की जरूरत हुई है। जब सुप्रीम कोर्ट कायम किया गया था तो उस के जजों की तादाद केवल आठ थी। बाद में उस को बढ़ा कर ११ किया गया और अब उस तादाद को १३ किया जा रहा है। मेरा अपना ख्याल है कि यह १३ की तादाद भी काफी नहीं रहेगी। इसी मकसद को मद्देनजर रख कर मैं ने एक अमेंडमेंट पेश की थी कि यह तादाद १५ कर दी जाये। माननीय मंत्री जी ने जो फिगर हाउस के सामने रखे हैं उन को देख कर हम इस नतीजे पर पहुंचते हैं कि सुप्रीम कोर्ट में काम की तादाद बढ़ती जा रही है और आए साल एरियर्स बढ़ते जा रहे हैं। मिसाल के तौर पर सन् १९५७ में जो केसेज पैंडिंग थे उन की तादाद २२७२ थी जो कि अगली साल २४२६ हो गयी और ३० नवम्बर, सन् १९५९ को जो केसेज एरियर में थे उन की तादाद २५५६ हो गयी। इसलिये मेरा खयाल है कि जजों की तादाद और ज्यादा की जाये।

दूसरी बात मैं यह कहना चाहता हूं कि हम को यह भी देखना चाहिये कि किस नेचर के केस ज्यादातर सुप्रीम कोर्ट में आते हैं। अगर हम इस तरफ देखेंगे तो हम इस नतीजे पर पहुंचेंगे—और ला मीशन ने भी यही कहा है—कि ज्यादातर जो केसेज सुप्रीम कोर्ट में फाइल होते हैं वह आर्टिकिल १३६ के तहत होते हैं। इसलिये मेरी अपील है कि सुप्रीम कोर्ट में एक स्पेशल बैंच भी मुकर्रर की जाये। इस प्वाइंट आफ व्यू से भी यह निहायत जरूरी है कि यह स्पेशलाइजेशन का जमाना है। इसलिये मैं समझता हूं कि लेबर केसेज के

लिये कम से कम एक स्पेशल बैंच सुप्रीम कोर्ट में मुकर्र की जाये । ला कमीशन ने भी इस तरफ इशारा किया है । वह कहता है :

"A feature of the recent exercise of the Supreme Court's jurisdiction under article 136 is the large number of cases in which the court had to grant special leave to appeal against decisions of various labour tribunals.".

आगे चल कर वह कहता है :

"The situation created by this large number of appeals admitted in labour matters causes concern in two respects. It has the natural effect of clogging the work of the Supreme Court; though the Supreme Court has made repeated efforts to deal with these matters expeditiously, there are naturally a large number of pending appeals in labour matters on its file.".

इसलिये मेरी अपील है कि जो जजों की तादाद बढ़ायी जा रही है उन में से तीन या चार जजों की एक लेबर बैंच कायम की जाये और इस लिहाज से भी यह जरूरी है जैसा कि कमीशन ने कहा है :

"The labour aspect of the problem as noted by the Law Commission was that labour cases were being thrust upon a judicial system which had neither the means nor the material to make a proper assessment of the points at issue and found it, therefore, difficult to do adequate justice.".

दूसरी बात जो मैं इस बारे में कहना चाहता हूं वह सिलेक्शन आफ जजेज के बारे में है । मेरे और भी माननीय दोस्तों ने इस तरफ इशारा किया है । इस बारे में मेरी सिर्फ यही अपील है कि जजों के सिलेक्शन में हमें बहुत ज्यादा अहतियात बरतना पड़ेगा । मैं समझता हूं कि जुडीशियरी का इंडिपेंडेंट होना सब से ज्यादा इस बात पर मुनहसिर है कि जजों का सिलैक्शन कैसे किया जाता है । इस प्वाइंट को देखते हुए ला कमीशन ने भी अपनी रिपोर्ट में कहा है :

"Political, communal, regional and executive influences are main factors which influence in the appointment of judges at present. They further say that merit alone should be the basis for the selection.".

इसी लिये मैं ने यह बात दुहराई और मैं समझता हूं कि जो डैमाक्रेसी हम ने हासिल की है उस डिमोक्रेसी को बरकरार रखने के लिये जुडीशियरी का इंडिपेंडेंट होना निहायत जरूरी है और वह इंडिपेंडेंट तभी हो सकती है जब कि जजों का सिलैक्शन इस तरह किया जाय कि उन पर एग्जीक्यूटिव का असर कम से कम हो सके । मैं यह बात इसलिये कहता हूं कि अक्सर देखने में आता है कि ऐसा प्रैक्टिकल तौर पर नहीं हो रहा है । मुझे पूरा यकीन है कि जजेज के सिलेक्शन में इस बात का पूरा ख्याल रखा जायेगा ।

Shri Kalika Singh: The increase in the number of judges has been necessitated by the increase in the arrears of cases in the Supreme Court. The arrears are accumulating not only in the Supreme Court but in the High Courts as well. There must be some reason for this. The very system of justice here in India has itself been changed with the commencement of our Constitution. The Constitution guarantees Fundamental Rights to every citizen; the other guarantee is that every citizen can approach the Supreme Court as a court of original jurisdiction. Every citizen under article 226 can approach the High Court as a court of original jurisdiction. That is the fundamental change that has been made in the system of justice here. Therefore, we have to find out the main reason why the arrears are accumulating.

If we go through the figures, they will tell us that the arrears in the

[Shri Kalika Singh]

Supreme Court and the High Courts mostly relate to cases under writs.

Shri Datar: Not necessarily.

Shri Kalika Singh: The figure has already been given that in the Allahabad High Court, some years back, the number of cases pending was about 15,000, but, now the arrears have gone up to about 41,000, and they, I think, are mostly cases relating to writs.

Shri Raghubir Sahai: On what basis does the hon. Member say that?

Shri Kalika Singh: I am saying it. Now, if any citizen has to file a petition in the High Court, he has only to pay Rs. 3 as court fees and to file his affidavit. But if he has to file the same case in a district court, then he may have to pay a court fees of Rs. 100 or Rs. 200 or even more than that. If an employee is dismissed in some district, he might be a low-paid employee, he can just go before the High Court and file a writ petition. Similarly when there is a tax by the district board or the municipal authority or a town area committee, the person aggrieved can just go before the High Court, pay Rs. 3 and some fees to a lawyer and then file his writ there in the High Court. If that is the main cause, then we have to go to the root of the matter and find out what the remedy for that may be. I have got my own suggestion for this. Article 32(3) of the Constitution provides:

> "Without prejudice to the powers conferred on the Supreme Court by clauses (1) and (2), Parliament may by law empower any other court to exercise within the local limits of its jurisdiction all or any of the powers exercisable by the Supreme Court under clause (2)".

Therefore, it was contemplated even when the Constitution was being framed that a time might come when cases of writs might go up in very large numbers before the High Courts and the Supreme Court, and hence this provision was made. This Parliament can by law empower courts other than the High Courts to consider such cases. We may have zonal courts or we may empower district tribunals to exercise within their local limits the power of guaranteeing fundamental rights.

Now, there are many petty cases, panchayat cases, and cases where a small fine imposed by some criminal court. In such petty cases, it is very hard for a citizen to go from a district court to the High Court and meet the cost of litigation. A petty case can now just be filed in the High Court direct. In the panchayat the person concerned has not to pay a court fee of even 4 annas or 8 annas. But in the High Court, he has to spend a lot of money.

Therefore, for these petty cases, specified cases, Parliament may by law empower some other courts in the districts or zones to grant writs. In that case, it will reduce the arrears in the High Courts and in the Supreme Court. I have gone into the figures and I am sure that the arrears relate mostly to writs.

There is one more point I want to make.

Mr. Deputy-Speaker: There is no more time. He promised to finish his observations in less than five minutes. The hon. Minister.

Shri Datar: I am grateful to the hon. Members who took part in the debate, who included Members from all sides of the House, for the unanimous support that they have given to the provisions of this Bill. In the course of the debate, naturally a number of questions was raised. The administration of justice at all levels was brought under survey and a number of suggestions made. So far as the limited scope of the present Bill is concerned, there are a few points in respect of which I shall endeavour to provide answers as briefly as possible.

One hon. Member contended that the offer of appointment to only two

members of the Bar was not satisfactory. So far as appointment of Judges to the Supreme Court is concerned, you would agree that it is the highest court of justice and, therefore, for appointment of Judges there, we require men of the highest competency and longest experience. This circumstance has to be noted. Then another factor may also be taken into account. For example, we take Judges from the various High Courts on the Supreme Court Bench. There are advocates as well as members from the services side. I have before me the figures of the composition of various High Courts and the point I am making is that the advocates' claims are also at least indirectly conceded when Judges of the High Court are considered for appointment to the Supreme Court. On 1st January 1957, we had in all 139 Judges. Out of that number, 80 have been from the Bar. The other 59 have been from the services. I need not give the figures for the intermediate period. But on 1st January 1960, we had 182 Judges in the various High Courts. Of this number, 114 have been recruited to the Benches of the High Court from the Bar and 68 were from the services side.

Thus you will find that the number of advocates who have been appointed as Judges in various High Courts is fairly satisfactory, far larger than the number of Judges recruited from the services side. Whenever the question of appointing Judges to the Supreme Court arises, naturally the claims of these advocate-Judges and the claims of the service-Judges are also taken into account. Also, there is one advantage which we should consider in this respect. When advocates are appointed to the various High Courts, they have naturally their long professional experience to their credit, and after they are appointed to the High Courts, they add to this professional experience a considerable measure of judicial experience also. Thus, generally speaking, it would be more advantageous and in the interest of the work of the Supreme Court itself if this double competency is taken into account in appointments to the Supreme Court Bench. All the same, I would point out that wherever it is possible, Government are anxious to make direct recruitment to the Supreme Court from the Bar. But as I have said, it is the highest court of justice. Therefore, the offers cannot be made in a very general way. The offer has to be confined to a select few, and when such an offer is made, as in other countries like the UK, naturally there ought to be a convention; of that convention is once established, naturally there will be no difficulty at all. I am glad that the convention which I suggested that we ought to develop in India amongst the lawyers was approved of by a number of hon. Members.

Therefore, on the question of recruitment to the Supreme Court Bench, there is an agreement in principle. All the same, I have pointed out the circumstances as to how Judges have to be appointed and what considerations have to be borne in mind. Considerations of the highest merit, considerations of the longest experience—these have to be taken account. That is the reason why it cannot be offered to one and all. Government have to be extremely careful. I am glad a number of hon. Members have pointed out that in such cases, in the case of appointment of Judges of the Supreme Court, no other consideration should weigh with Government. An hon. Member quoted the Law Commission on this. They had pointed out that there ought to be no regional or communal considerations, no other considerations except those of merit, in the appointment of Judges. That is what has to be followed and what is being followed all along.

Shri V. P. Nayar: No, no.

Pandit Thakur Das Bhargava: Not all along.

Shri Datar: Incidentally, an hon. Member suggested that there ought not to be much contact between the executive and the judiciary. The

[Shri Datar]

implication of that particular observation has to be understood. Possibly his suggestion is that there has been some interference by the executive in the appointment of members of the judiciary. May I make it very clear that after the inauguration of the Constitution in 1950, 19 appointments were made at different times to the Supreme Court and all these 9 appointments had the fullest concurrence and support of the Chief Justice for the time being of the Supreme Court?

Pandit Thakur Das Bhargava: Suppose the Chief Justice is also persuaded to make a particular recommendation.

Shri Datar: There is no question of persuasion. I would request the hon. Member not to suggest even indirectly that we persuade him.

Pandit Thakur Das Bhargava: The hon. Minister knows of one case. I spoke about that in this House.

Shri Datar: There can be no question of any influence also. In the Law Commission's Report, certain observations had been made. Those observations have been met. I would point out that the Chief Justice of India is the highest judicial authority in the land; he has the largest measure of independence in making selections and in making recommendations. We accept his recommendations; we always rely upon his concurrence and in every one of the 19 cases of appointment to the Supreme Court that I have pointed out, we have always accepted his view. He has always agreed; and, therefore, there is no point in making an indirect suggestion that the executive has been having too much contacts with the judiciary. That is not correct.

I would point out, on the whole, our judiciary have been doing very well. The Supreme Court is the highest court of justice in India; and, therefore, the appointments have to be made with the fullest care and circumspection.

Shri Braj Raj Singh: Who denies that it is the highest court?

Shri Datar: That was the reason why other considerations will not be taken into account.

Then, a suggestion was made—contrary suggestions were made by two hon. Members One hon. Member suggested that the powers of the Supreme Court should be absolutely unrestricted. That is what my hon. friend Pandit Thakur Das Bhargava suggested. And, he referred to the need for doing complete justice, an expression which is found in one of the provisions of the Constitution. It is perfectly correct. On the one hand, it is essential that not only the Supreme Court should have the power of administering full and complete justice, but on the other, the clientele in the whole of India, that is, the aggrieved citizen, must feel that justice is done. These two things were taken into account. Certain other matters regarding restrictions or limitations on jurisdiction have been laid down in the Constitution itself.

Another hon. Member suggested that something should be done to see to it that the large number of cases in the Supreme Court is brought. This can be done only after a judicial disposal by the Supreme Court. It is true that, as one hon. Member put it there ought not to be any hurried justice nor delayed justice. That is quite correct. If there is hurry, if there is haste, then naturally, it is incompatible with full administration of justice. Similarly, also, if there are delays and if the case remains as it is, then, its importance is naturally lost. It is also inconsistent with the administration of justice. *(Interruption)*. That is the reason why we should neither have hurried justice nor delayed justice. But, subject to all these, justice has to be expeditious justice and has to take account of the circumstances and both sides of the case. That is why

we are following a path according to which the Judges will have the fullest judicial discretion to dispose of the matters before them.

Then, it was suggested that the number ought to be 15. I want to point out that it is not necessary at this stage. It is quite likely that the arrears are likely to come down by two circumstances. One is more disposal by Judges and the other is, in case Government take a decision to revive the Labour Appellate Tribunals, that will also have some effect in reducing this work as early as possible.

Then, another hon. Member made certain suggestions, that the vacations of the Supreme Court are very long. I may point out that the Supreme Court have been co-operating with Government to the fullest extent so far as the question of the reduction of the period of vacation and the increase in the working days are concerned.

In 1956, the length of vacations was 121 days and the number of working days was 162. Now, the Supreme Court has increased the number of working days and decreased or reduced the length of vacations. In 1960 for example, the length of vacations would be 82 days only. Ten weeks is the summer vacation and about 10 days or so on account of Christmas. So, that has been brought down. Once upon a time it was nearly 3 months and a half. That has gradually come ..vn. And, I am very happy to find that it has come down to 82 days this year. The number of working days has increased from 162 in 1956 to 187. We should take this also into account. The actual number of hours they sit every day is 4½ hours. Under these circumstances, it would not be proper to say that they are not cooperating with the desire expressed by Parliament on a number of occasions. Now, the work is being carried on as vigorously as possible. Therefore, I would submit that on that point there is no need to pursue it further.

Article 136 of the Constitution was also brought in by some of my hon. friends. With regard to article 136 we have got the Law Commission's guarded recommendation. It was urged before the Law Commission that article 136 should be either removed or some restrictions should be put on the powers of the Supreme Court, to act under article 136. This question was raised in the other House also. That is the reason why I gave the figures.

Some hon. Members made some suggestions that a number of cases were being filed without proper foundations. That is not correct. In all these cases, to the extent that is possible, such matters are agitated before the High Courts and only when it is found that they did not get any chance to proceed to the Supreme Court, the Supreme Court has been given the residuary powers under article 136. Therefore, in such cases, the number of admissions is bound to be small. (*Interruptions*). Under these circumstances I may read to the hon. House what the Law Commission themselves have stated and how they have put it in a highly guarded manner.

> "Although the exercise of the jurisdiction under article 136 of the Constitution by the Supreme Court in criminal matters sometimes serves to prevent injustice, yet the Court might be more chary of granting special leave in such matters as the practice of granting special leave freely has a tendency to affect the prestige of the High Courts."

That is one consideration which was before them. But, as it has been pointed out by certain hon. friends and as it is given out in the course of judgements, the question of avoiding miscarriage of justice and of preventing any injustice or hardship provided it comes within the powers of the High Court, has also got an over-riding consideration. Therefore, I submit that the Constitution-makers were perfectly prudent in allowing article 136 to remain in the Constitution. I believe it serves a very useful purpose

[Shri Datar]

and, therefore, it need not be curtailed at all.

Lastly, an hon. friend has brought in a motion about a Bench at Bangalore in the South. So far as that question is concerned, it is not necessary to deal with that particular amendment because it is likely to be held out of order by you. All the same, I may point out that so far as this question is concerned, it involves a number of important points to be fully taken into consideration. We have also got the Law Commission report where it is said that as far as possible there ought to be no benches of High Courts at other places. It is true that we are having some benches. Only the other day, the House agreed to have a permanent bench at Nagpur; that is going to be the High Court Bench of Maharashtra but there were some special considerations there. We had the interim report and in the final report also they have come to the conclusion that benches of High Courts should be avoided. If that is the view, the House will agree that there is considerable force behind this particular view of the Law Commission. So, it would be very difficult to establish a bench as such in a place somewhere in the sou.h. Secondly, matters to be decided by the Supreme Court are not ordinary matters. Some of them raise important legal and constitutional questions. Five Judges of the Supreme Court constitute a constitutional bench and we shall have to send such a bench from here for hearing such cases in the South. Even assuming for the sake of argument, without granting it, that the need for establishing a permanent bench in the south has to be accepted, in that case we shall have to maintain a bench consisting of a large number of Judges. If two constitutional benches are to function, one in Delhi and the other in the south, it is difficult to dispose of the other matters. Again, the actual volume of work that these four States supply may not be sufficient for maintaining a bench in that particular area. These are the matters so far as the merits of the case are concerned.

Shri Braj Raj Singh: Would it not be possible for the Minister to say that all constitutional matters could be sent to the constitutional bench at Delhi and that other matters can be disposed of there?

Shri C. R. Pattabhi Raman: In the middle of a case some point may be raised which may convert it into a constitutional matter.

Shri Datar: Article 130 gives full discretion to the Chief Justice to have benches set up at other places, with President's approval. So, the Chief Justice can initiate any matter relating to the advisability of having a bench of the Supreme Court elsewhere than in Delhi. In case he finds that there is any need for it surely he can be expected to take proper action and initiate measures and the President also will, on merits, consider it and give his approval or otherwise.

Shri Mohammed Imam: May I know the number of cases and appeals that come from all the States to the Supreme Court?

Shri Datar: I have no objection to give the number but it is very small. I have no desire to discourage my hon. friend. The total number of cases filed from 1958 till 31st March, 1960 comes to 1288 in civil matters out of which the number from Andhra, Kerala, Madras and Mysore comes to 241. It is the larger States in the North and in the West that contribute to the largest number of cases to the Supreme Court. In the case of Bombay, the number is 228, Punjab, 148 and U.P., 208.

Shri Mohammed Imam: That is another additional reason why there should be a bench.

Shri Datar: So far as criminal cases are concerned.....

Mr. Deputy-Speaker: Perhaps he does not require those figures.

Shri Mohammed Imam: My case is strengthened; people will take advantage of this facility.

Shri Datar: For the same period, the total number of criminal cases before the Supreme Court were 472 and the four States mentioned by me contributed only 59.

Shri C. R. Pattabhi Raman: They are very law-abiding.

Shri Datar: Then, please do not ask for a bench. I have endeavoured to answer all the questions that were raised. I believe Shri Easwara Iyer made a very uncharitable suggestion so far as the Chief Justice of Kerala is concerned. He suggested that the Government appointed him to the Kerala Court with a view to supersede the claims of the other Judges of that Court to the Chief Justiceship. That is entirely wrong and absolutely uncharitable.

Shri V. P. Nayar: What is the real reason?

Shri Datar: The reason has already been made clear in the report of the States Reorganisation Commission which said that the Government should introduce the practice both so far as the High Courts and the All India Service cadres were concerned so that a certain percentage of Judges from the other High Courts should be on the High Courts as also in the All India services and that is being followed.

Shri V. P. Nayar: Has it been followed in any other High Court?

Shri Datar: We have followed it in a number of instances.

Mr. Deputy-Speaker: That is not in question now and I will not allow it. The question is:

"That the Bill to amend the Supreme Court (Number of Judges) Act, 1956, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

Shri Mohammed Imam: Regarding the admissibility of my amendment....

Mr. Deputy-Speaker: He has already made a speech.

Shri Mohammed Imam: Shall I take it that the amendment has been admitted?

Mr. Deputy-Speaker: I am not saying so.

Shri Mohammed Imam: Before you give your ruling, Sir....

Mr. Deputy-Speaker: I hold that this amendment is out of order and is not related to the Bill that is before us. On both points, I rule it out and therefore, there is no amendment now.

Shri Ram Krishan Gupta: What about my amendment?

Mr. Deputy-Speaker: He is not going to move it, I suppose.

Shri B. Das Gupta (Purulia): Sir, I have an amendment. I beg to move:

Page 1,—

after line 6, *add*—

'(b) the following proviso shall be added, namely:—

"Provided that as nearly as may be one-fourth of the total number of such Judges shall be appointed from amongst persons other than those who are or had been Judges of the High Courts in India."' (3)

In explaining this point the hon. Minister has stressed on the judicial experience of the persons who should be appointed as judges of the Supreme Court. That is of course necessary, but I may remind him that the first

[Shri B. Das Gupta]

Chief Justice of the Federal Court of India, Sir Maurice Gwyer was not a judge before his appointment. Sir Patrick Spens who was the next Chief Justice of the Federal Court of India was not a judge before he was appointed as the Chief Justice, he was a member of the English Bar. Then, Sir, we have found in the Federal Court persons, eminent persons like Shri Jayakar, Mr. Zaffarullah Khan and Shri Varadachari who were not judges before they were appointed as judges of the Federal Court.

Sir, the sole intention of bringing in this amendment is that our Supreme Court lacks in progressive outlook. Of and on it is declared....

Mr. Deputy-Speaker: He should take care that he does not tread on or trespass into dangerous grounds.

Shri B. Das Gupta: I am conscious about that, I will not cross it. But it is a fact, because our Prime Minister also sometimes deplores about this want of progressive outlook in the Supreme Court Judges.

Mr. Deputy-Speaker: If he made an observation on a particular occasion, I remember the Prime Minister also felt sorry after that and he said that he did not mean it. If the hon. Member is also going to do just the same..

Shri B. Das Gupta: I can just quote a few words, the sense of what he said. He said :

> "While in America the Supreme Court rose equal to the occasion in interpreting old laws after independence in terms of the Constitution progressively and brought about progressive outlook to the same, the courts of India have failed to do this."

This is the sense which it carries. Sir, I may just quote one instance. Our present Chief Justice of the Supreme Court in his "Easter Speech" in Patna on the 16th or 17th April, while he received the Doctor of Law degree from the Patna University, in opening the conference of council of public affairs in the presence of the Attorney General and many judges and ex-judges—Justice Jagannath Das was the ex-judge present there—of Supreme Court and High Courts and eminent lawyers and legislators, opposed progressive legislation and stated that the duty of the legislator is to follow the people and not to try to reform the people. He referred specifically to the Anti-dowry Law of Bihar for which he condemned the legislators. This is the report, Sir, which appeared in the Press. If this is their outlook, Sir, I may assert that they lack in progressive outlook.

Mr. Deputy-Speaker: That is not so, so far as the position of the judge of that court is concerned.

Shri B. Das Gupta: That is why, Sir....

Mr. Deputy-Speaker: The hon. Member should try to conclude now.

Shri B. Das Gupta: Sir, I will conclude in a minute. That is why, Sir, I request the hon. Minister to start a convention for the recruitment of Supreme Court Judges from amongst the advocates of High Courts or eminent jurists of India directly. During these long years, it has been said that only two persons were approached. I would ask, throughout the whole length and breadth of India is not there any eminent jurist, is there not a single advocate in the High Court who could be appointed as a judge in the Supreme Court? It is an absurd thing. I think the convention should begin now.

Shri Datar: Sir, I would request the hon. Member not to move his amendment, for the reason that it would be against the interests of the advocates themselves. Why should their number be fixed as one-fourth

or one-third. I may point out for the information of the House that out of 11 members of the Supreme Court including the Chief Justice at present eight were from the Bar and only three were from the services. That will show that the advocates are getting a fair and generous deal. If any such number is fixed that would work hardship on them.

Shri B. Das Gupta: I may say, Sir, that all the present Judges of the Supreme Court have been appointed from among the High Court judges. There is not a single judge in the Supreme Court now who has been recruited directly from the Bar.

Shri V. P. Nayar: Sir, the hon. Minister's reply gave me the impression that judges of the Supreme Court were recruited directly from the Bar. It has never been done.

Mr. Deputy-Speaker: He did not say that.

Shri Datar: I never said that.

Mr. Deputy-Speaker: The question is:

Page 1,—

after line 6, *add*—

'(b) the following proviso shall be added, namely:

"Provided that as nearly as may be one-fourth of the total number of such Judges shall be appointed from amongst persons other than those who are or had been Judges of the High Courts in India".' (3)

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Mr. Deputy-Speaker: The question is:

"That clause 1, the Enacting Formula and the Long Title stand part of the Bill."

The motion was adopted.

Clause 1, the Enacting Formula and the Long Title were added to the Bill.

Shri Datar: Sir, I move:

"That the Bill be passed."

Mr. Deputy-Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

15.58 hrs.

INDIAN BOILERS (AMENDMENT) BILL

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): Mr. Deputy-Speaker, Sir, I beg to move:.....

Shri Sinhasan Singh (Gorakhpur): Sir, I rise to a point of order.

Mr. Deputy-Speaker: Order, order. One thing has just been finished and the other has not yet begun. There cannot be any point of order in a vacuum. Let the other thing come before the House.

Shri Anil K. Chanda: Mr. Deputy-Speaker, Sir, I beg to move:

"That the Bill further to amend the Indian Boilers Act, 1923, as passed by Rajya Sabha, be taken into consideration."

Shri Sinhasan Singh: Sir, he has moved it and I think I can raise my point of order now.

Mr. Deputy-Speaker: Unless I place it before the House there is nothing

[Mr. Deputy-Speaker]

before the House. After he has made his speech in support of his motion, I will place it before the House. Then only the House will take cognizance of it.

Shri Sinhasan Singh: My point of order relates to the very introduction of this Bill.

Shri V. P. Nayar (Quilon): If it is a preliminary objection, Sir, then it would be late after we have heard the speech.

Mr. Deputy-Speaker: I do not think so.

Shri Sinhasan Singh: Sir, I challenge the very introduction of this Bill.

Mr. Deputy-Speaker: What is the point of order?

Shri Sinhasan Singh: Sir, this Bill has a Financial Memorandum attached to it. It involves some money from the Consolidated Fund of India. Therefore, my submission is that this Bill should not have been ordinarily in the Rajya Sabha first, it should have been introduced here. My contention is this. I seek your guidance and ruling on the point whether this Bill is at all covered by the provisions of article 110 or not. If this comes in as a Money Bill, then articles 109 and 110 apply and article 117 also would apply to financial bills. To this Bill a financial memorandum is attached. The financial memorandum is attached only to such Bills which involve financial considerations.

16 hrs.

Now, what are the Money Bills that are covered by article 110? Article 110 defines Money Bills as those which cover the imposition, abolition, remission, alteration or regulation of any tax. These are mentioned in sub-clause (a) of article 110. Then, a Money Bill involves "the appropriation of moneys out of the Consolidated Fund of India". This is given in sub-clause (d) of this article. In this very article —article 110—clause (2) says what is a Money Bill and what is not, that is to say, what is covered by a Money Bill and what is not. Clause (2) says as follows:

> "A Bill shall not be deemed to be a Money Bill by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered, or by reason that it provides for the imposition, abolition, remission, alteration, or regulation of any tax by any local authority or body for local purposes."

So, if this Bill is covered by this article, then it would not be a Money Bill. If it is not covered by this, then it is a Money Bill.

Mr. Deputy-Speaker: Why take the reverse of it? A Money Bill is included in sub-clauses (a) to (f).

Shri Sinhasan Singh: I am including those sub-clauses. This is covered by sub-clause (d) which means "the appropriation of moneys out of the Consolidated Fund of India". But there is no charge on the Consolidated Fund of India. This relates to one of appropriation of money out of the Consolidated Fund. That is, you take some money out of the Consolidated Fund to meet the expenditure involved. The financial memorandum attached to the Bill says:

> "Clause 5 of the Bill envisages the appointment of Deputy Chief Inspectors in the Boiler Inspectorates in the States. There is an Inspectorate of Boilers in the Union Territory of Delhi and although there is no intention of appointing a Deputy Chief Inspector of Boilers in this territory at present the possibility of an officer of the above description being appointed in this Inspectorate in future cannot be entirely ruled out."

Mr. Deputy-Speaker: Which clause?

Shri Sinhasan Singh: I was reading the financial memorandum attached to the Bill.

Mr. Deputy-Speaker: Shall we decide whether this is a Money Bill or not by the financial memorandum or the contents of the Bill?

Shri Sinhasan Singh: By the contents of the Bill.

Mr. Deputy-Speaker: Which is the clause then?

Shri Sinhasan Singh: Clause 5 of the Bill relates to the appointment of Chief Inspector, Deputy Chief Inspectors and Inspectors. It reads as follows:

> "5. (1) The State Government may appoint such persons as it thinks fit to be Inspectors for the State for the purposes of this Act, and may define the local limits within which each Inspector shall exercise the powers and perform the duties conferred and imposed on Inspectors by or under this Act."

Then, sub-clause (2) refers to the appointment of Deputy Chief Inspectors, sub-clause (4) to the appointment of Chief Inspector and so on. So, clause 5 provides for the appointment of certain officers, and that will involve the "appropriation of moneys out of the Consolidated Fund of India" and so it is covered by sub-clause (d) of article 110(1). So, my point is, I want your ruling as to whether this is a Money Bill or not. If it is a Money Bill, then the previous sanction of the President is necessary.

Mr. Deputy-Speaker: If it is a Money Bill, certainly the recommendations of the President would be required before it is introduced. There, I agree with him. But after hearing the hon. Member, I am of the opinion that it is not a Money Bill. Article 110(1) says:

> "For the purposes of this Chapter, a Bill shall be deemed to be a Money Bill if it contains only provisions dealing with all or any of the following matters, namely—"

This Bill contains several provisions though incidentally it contains the provision about expenditure which would certainly be met out of the Consolidated Fund of India. But we cannot say that it contains only the provisions that are covered by article 110(1) and no other provision. If it contains only those provisions, it is a Money Bill clear and simple. But if it only incidentally implies expenditure from the Consolidated Fund and deals with other matters also, then it will not be covered by article 110, but article 117(3). The question was raised in the morning also and the Speaker had given a ruling in that case. We have previous precedents when such questions were raised and rulings were given by the Speaker. I am reading from the decisions by the Speaker:

> "On the 29th September, 1955, during the discussion on the motion regarding the concurrence of the Lok Sabha in the motion of the Rajya Sabha referring the Inter-State Water Disputes Bill, 1955 to a Joint Committee of both Houses, a point of order was raised by Shri U. M. Trivedi that the Bill contained provisions which would involve expenditure or withdrawal of money from the Consolidated Fund of India within the meaning of sub-clauses (c) and (d) of clause (1) of article 110. He, therefore, submitted that it was a Bill which could not be introduced in the Rajya Sabha under Article 117(1) of the Constitution."

In that connection the Deputy-Speaker ruled:

> ".....this Bill is neither a Money Bill which comes under Article 110, nor a Financial Bill which comes under clause (1) of Article 117, but exclusively a Bill, which, though a Financial Bill,

[Mr. Deputy-Speaker]

comes under clause (3) of Article 117 and for which, only at the time of passing or before passing, the President's Sanction is necessary.

Therefore I rule that this Bill is quite in order....."

There is a difference between a Bill contemplated under article 117(1) and under article 117(3). It was held at that time also that that was not a Money Bill or a Financial Bill under clause (1) of Article 117 and therefore its introduction in Rajya Sabha was not barred. Also, it was covered by other provisions and not article 110(1) or article 117(1). If it is not covered by article 110(1), then we cannot say that it is a Money Bill, because in such cases, it should contain provisions only which can be covered by or any of sub-clauses (a) to (f) of article 110(1).

Shri Sinhasan Singh: Article 110 is very definite. It provides two kinds of Bills.

Mr. Deputy-Speaker: Shall we continue the discussion?

Shri Sinhasan Singh: You have said it is covered by article 117(3). My submission is article 117(3) does not refer to the introduction of a Bill. It refers to the passing of a Bill. For passing also, if any expenditure of money is involved, President's sanction is necessary. Sub-clause (1) refers to the introduction of a Bill. With all humility, I suggest that the ruling of the Speaker has not considered the difference between the introduction and the passing of a Bill. The Bill is introduced under article 117(1). If a Bill is passed here and is sent to the Rajya Sabha, there is no introduction there. So, there is a distinction between introduction and passing. Article 117(3) deals with the passing of a Bill. For that also, President's sanction is required.

This Bill has been introduced in the Rajya Sabha and passed there. If you rule that it is not a Money Bill, I have nothing to say. But if it is a Money Bill, then it should not have been introduced in the Rajya Sabha.

I am submitting this because a tendency is growing to introduce most Bills which involve appropriation from the Consolidated Fund in the Rajya Sabha.

Mr. Deputy-Speaker: That is a different thing altogether, whether the tendency is growing or not. So far as this Bill is concerned, I have given my decision that it is not a Money Bill that can be covered under article nor a Financial Bill covered by clause (1) of Article 117. Therefore, under these circumstances, it can be introduced in either House. The President has given his recommendation for the introduction of this Bill in Rajya Sabha. The President has also given his recommendation for its consideration here. So, there is no force in the point of order.

Shri Anil K. Chanda: Sir, before 1923, when the boiler law was for the first time enacted, each provincial administration had to deal with the boilers in their jurisdiction in their own way. There were different rules and regulations and laws obtaining in different parts of India without any uniformity of approach or standard of application. That was considered undesirable and, on the recommendation of the Boiler Laws Committee, this law was passed in 1923. This Act mainly provided for the safety of life and property of people against dangers of explosion and it attempted to achieve a uniformity of treatment all over the country. But, when the law was passed, it mainly dealt with boilers of low capacity and low pressure. But, since then, we have taken to industrialisation in a very intensive manner and every day more and more powerful boilers of greater capacity and higher pressure are being introduced in our industrial sector and it has been found that often the present laws and regulations do not meet the requirements

of the day. In particular, sometimes it has been found that we have to introduce or admit boilers of new patterns which do not strictly conform to the requirements of our regulations, even though those boilers are of high technical proficiency and are in daily use in foreign countries. Now, if we have to wait for these regulations to be changed before such boilers could be admitted, it would mean considerable loss of time and, naturally, money also.

16.12 hrs.

[SHRI MULCHAND DUBE *in the Chair*]

It is because of this that we have felt it necessary that certain amendments should be brought to the Boilers Act of 1923.

The most important changes are contained in clauses 10, 14 and 19. Clause 10 has reference to section 20 of the Act. Under section 20 of the Act, anybody who has a grievance against the decision of the Chief Inspector of Boilers has the right of appeal to the State authorities to appoint an appellate authority and the decision of the appellate authority would be final. But the appellate authority can only act according to the provisions of laws, regulations and rules made thereunder. Therefore, the appellate authority cannot admit a boiler which does not strictly conform to the requirements of the regulations. Now, by clause 10, we propose to add a new section 20-A which will empower the party to appeal to the Central Government against the decision of the appellate authority, and the Government of India will consult technical advice in the matter. And if it is a boiler which, though not strictly conforming to the requirements of our regulations, is known to be working satisfactorily in foreign countries and is technically sound, such boiler may be admitted.

Clause 14 refers to section 27-A of the Act. Section 27-A describes the composition of the Central Boilers Board. At present, it is a comparatively small board consisting of a Chairman nominated by the Government of India, a member nominated by the Government of India representing the Union Territories, one representative from each State and a nominee of the Chairman of the Railway Board.

Since the time when this Act was passed, many changes have taken place, one of them being that from being just an importer of boilers, we have also taken to manufacture of boilers. But, in the earlier stages of this industry, there are certain inevitable limitations. We have to look into the interests of our boiler-makers but, at the same time, we have also to keep in view the question of safety to life and property.

Then, Sir, boiler technology is a fast moving science these days. Every day new materials are being introduced into the manufacture of boilers, new designs are being attempted and new specifications.

We feel that the Central Boilers Board should be more broadbased and various interests, like the manufacturers, the Indian Standards Institution, designers and metallurgists should also be associated in the work of the Board. Therefore, in this clause, it is suggested that the Board be composed of a number not exceeding 15 to be nominated by the Central Government representing various interests, a nominee of the Railway Board and one representative from each of the constituent State, but that representative must be a technical man. As the law stands at present, it does not require that the representative of the State need be a technical man. But in this new clause, we say that the State has got to be represented by a technical man who is conversant with the inspection and examination of boilers.

Finally, the other most important clause is clause 19 of this Bill, which adds a new section to this law, section 31A, that the Central Government, where it is considered necessary, will have the power of giving directives to

[Shri Anil K. Chanda]

the State Government with regard to the operation of the laws and the regulations under this Act. It is considered necessary that there should be a uniformity of approach and there should be a co-ordinated planning at the Centre.

These are the three most important factors in this new Bill and that is all what I have to say at this stage.

Mr. Chairman: Motion moved:

> "That the Bill further to amend the Indian Boilers Act, 1923, as passed by Rajya Sabha, be taken into consideration."

Shri Tangamani (Madurai): Mr. Chairman, Sir, the hon. Deputy Minister was pleased to state that there are three main points on which this amendment seeks to make some provisions. Regarding the first point, namely, that these boilers of higher pressure and greater capacity are being manufactured in this country, no one will have any grievance. We have to provide for such boilers and for controlling these also. In addition to the two or three points which were elaborated by him, I am afraid, this amending Bill goes much farther. I shall briefly lay before you certain objections which I propose to take. I will be able to tell you how this goes beyond the statement of objects and reasons.

The last point which the hon. Minister referred to was clause 19 by which a new section 31A is sought to be introduced in the Indian Boilers Act of 1923. This is what clause 19 says:

> "After section 31 of the principal Act, the following shall be inserted, namely:—
>
> '31A. The Central Government may give such directions as it may deem necessary to a State Government regarding the carrying into execution of the provisions of this Act, and the State Government shall comply with such directions.' "

When this Act of 1923 was passed, as the hon. Minister was pleased to state, there were several rules and regulations and several practices prevalent in the various States and that Act was to consolidate and to amend the law relating to steam boilers. The matter was referred to the Joint Committee in 1922 and the 1923 Act was the result. As in the case of similar provisions dealing with the safety of workers, it was thought the State Governments would be in a better position to look after it. So, more powers were given to the State Governments and the Central Government was asked to regulate and give uniform direction to the various States. But, by this amendment, instead of the States being allowed to exercise the powers, more powers are sought to be taken by the Central Government. Clause 19, introducing the new Section 31A, authorises the Central Government to give not only directions, but also other instructions in the day-to-day administration.

This is not like the Department of Explosives where we have the Chief Inspector, Deputy Chief Inspectors etc., under the control of the W.H.S. Ministry going about the various States. Here, all that we are expected to do is to help the States, but the provision seeks to take away their powers. I would like to know whether a new department is going to be set up by the Ministry.

Another anomaly also arises from this. Under section 38, the Board has got powers to make regulations; under section 28A the Central Government has got powers to make regulations about the composition of the Board and several other matters; under section 29, the State Government is given powers to make rules and regulations. Since three authorities are given such powers, it is likely to lead to confusion and conflict of interests also. That is why I say this Bill goes beyond the scope of the Statement of Objects and Reasons.

Then I come to the second point of the hon. Deputy Minister. Clause 14 deals with the composition of the Central Boilers Board. As he has pointed out, prior to this there was also a Board consisting of a nominee from the Central Government, a nominee from the State Government, a nominee for the Union territories to look after their interests for a period of three years, and a nominee of the Railway Board. This is being enlarged, which is good, but in enlarging we find that all the interests have not been served.

Clause 14 reads:

"In section 27A of the principal Act,—

(a) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) The Board shall consist of the following members, namely:—

(a) such number of members, including the Chairman, not exceeding fifteen, as the Central Government may nominate in the prescribed manner to represent the Government, the Union territories, the railways, the coal industry, the Indian Standards Institution, the boiler manufacturing industry, the users of boilers and, any other interests which, in the opinion of the Central Government, ought to be represented on the Board."

This excludes a category like the defence industries which I may call the public sector. I can anticipate the reply of the hon. Minister. He will say that in the original Act exemption was given to those factories' boilers which are looked after by the Defence Ministry. With Defence also coming into the picture, and with the industry developing in the Defence sector also, is it not proper when we have come forward with such a comprehensive amendment, to amend section 3 also? Section 3 of the original Act says:

"Nothing in this Act shall apply in the case of any boiler or steam-pipe....belonging to or under the control of Army, Navy or Air Force."

That was found proper in the past. But now when we are seeking to include other interests also, how can we justify the exclusion of boilers or steam-pipes belonging to or under the control of the Army, Navy or Air Force? Therefore, my submission is that when we are really enlarging the interests represented on the Central Board, all interests including the Defence interests also must be represented on it. It will not be complete if we do not include also many technicians who may be in the category of employees or workers. It is only when we include them also that this board will be a complete board.

My next point is about the appellate powers which are now given to the Central Government. Where are we now drifting to?

Shri Anil K. Chanda: To which clause is the hon. Member referring?

Shri Tangamani: I am referring to the appellate powers or the revisionary powers which are now given or sought to be given to the Central Government. Already, when there is an application made, there is the chief inspector who deals with it; if the applicant is dissatisfied with the finding of the chief inspector, then he has got the right to go to the appellate body which is set up by the State Government. The State Government consider the various aspects, and they have got supreme power, if I may say so, in maintaining orderly progress in this particular sector. Now, we leave it open to the applicant to go to the Central Government who will have revisionary powers.

This reminds me of a certain procedure which was being followed in respect of labour tribunals. We had the industrial disputes; whenever disputes between labour and capital arose, the matter was referred to the industrial tribunals; and then the matter was referred to the appellate tribunal.

[Shri Tangamani]

From the appellate tribunal, people were taking the issues to the H gh Court or to the Supreme Court. We felt that taking the matter to the appellate tribunal itself was delaying the proceedings. So, the appellate tribunal was dissolved. When the appellate tribunal has been dissolved, the citizen has got the power to go to the Supreme Court, and we find that appeals are coming in directly at the Supreme Court. Here, like the Supreme Court, the Central Government are sitting on the top of the State Government, because the Central Government have got revisionary powers.

You would have noticed from the very beginning that my contention has been that by this method, we are seeking to curb the initiative of the State Government in this field. It may be a very small field. After all, the work that is done is also very little. What we are interested in seeing is that these boilers conform to the regulations. In this connection, it would be better if I read out the definition of the term 'boiler' itself. It reads thus:

> "'boiler' means any closed vessel exceeding five gallons in capacity which is used expressly for generating steam under pressure, and includes any mounting or other fitting attached to such vessel, which is wholly or partly under pressure when steam is shut off."

Now, I believe, the figure of five gallons has been increased to something else. Apart from this type of boilers, there are other th ngs which are similar to boilers. I shall not go into them, because it will be a matter of detail.

The limited purpose for which the Indian Boilers Act was passed was to regulate the procedure and to see that accidents are reduced to the minimum and those who want to work these boilers do not go about in their own way without any kind of control. The control which has so far been exercised by the State Government is now sought to be taken away by the Central Government. Whatever applies to boilers also applies to steam-pipes. The definition of 'steam-pipe' is as follows:

> "'steampipe' means any main pipe exceeding three inches in internal diameter through which steam passes directly from a boiler to a prime-mover or other first user, and includes any connecting fitting of a steam-pipe.".

I will not go into the various clauses of the amending Bill. But now economisers and heat exchangers are also included within the scope of the Bill. Some of the oil refineries set up in the country have contrivances known as heat exchangers which come within the definition of 'boiler' and are registered as such. These are generally used for generating steam, are unfired and much less dangerous than economisers. If heat exchangers are to be opened up for inspection annually, as in the case of ordinary boilers, work in the refineries would have to be stopped for at least a month, thereby involing loss of production. This is what is stated in the Notes on Clauses. For this reason, instead of the usual 12 months, the period of licence is extended to 2 years, against which I have no grievance.

I would again request the hon. Minister to reconsider the whole approach to this amendment and urge upon him that this amendment goes far beyond the scope of the Objects and Reasons which have been enumerated. Otherwise, it is going to work hardship. I would request him that if it is not possible now, he should at least come forward later with a comprehensive amendement in the light of the observations I have made.

Shri Aurobindo Ghosal (Uluberia): I would like to make only two points regarding this Bill. The first is regarding clause 20 in which section 34 of the principal Act is sought to be amended extending the powers of the Central Government to exempt boilers

from the operation of all or any of the provisions of the Boilers Act. There are very stringent provisions in the Boilers Act regarding the working of boilers, because bursting of a boiler would involve loss of or damage to, life and property to a great extent. So the conferment of this blanket power on the State officials who do not belong to the boiler inspectorate is very much dangerous. There is no necessity for giving officials who have no connection with the day to day administration of inspection so much power of exemption. It will result in dangerous accidents involving life and property.

Even now in the States, there are boiler inspectorates. In spite of the stringent rules, in several industries, like jute and cotton mills, the Unions had to call for strikes for changing the boilers. Personally, I had to call a strike to change the boiler in a jute mill, because it was in such a damaged condition that the boiler inspectorate demanded its immediate replacement. But the employers did not do it. Naturally, in order to protect life and property, the stringent rules as provided in the Boilers Act should be observed.

Boilers are costly and not manufactured in our country. Also due to shortage of foreign exchange, it is very difficult to import them. As boilers of different capacities and sizes are not manufactured in the country, the employers try to utilise the old boilers or damaged boilers in running their factories. This not only hampers production but endangers life and property. The private employers wield strong influence with the State Governments, manipulate matters and try to run the mills or factories with these damaged boilers, to the detriment of the workers.

Secondly, a new section 20A is being incorporated. Why should the Central Government which has got no connection with the day-to-day inspection of the boilers take so much power in giving exemption to the industries for utilising the boilers which have been rejected by the Boiler Inspectorate?

Shri Anil K. Chanda: Which clause is he referring to?

Shri Aurobindo Ghosal: That is in clause 10, new section 20A. This is not centralisation of power but this is power overriding the decision of the man on the spot which amounts to interference. If the Central Government take up this power, then, there must be a saving clause at least that the factory authorities will not be allowed to use any boiler declared as defective or unfit by the Boiler Inspectorate till that decision is changed by the Central Government on appeal. At least this saving clause must be there. I hope the hon. Minister will consider this.

Shri K. N. Pandey (Hata): In this connection I have to make a few suggestions. This Boiler Act was brought into operation simply with the object of providing for the safety of life and property of persons from the dangers of explosion and the achievement of uniformity of practice in regard to the operation, inspection and maintenance of boilers. Other reasons have also been given in the Statement of Objects.

It is not a fact that only boilers of small capacity as they were brought into operation require this inspection. Some big boilers were also imported for industries; and, therefore, it is very necessary that the workers working in the factories where the boilers are being operated have to be protected. It is the workers who are immediately affected if there is some defect in the boilers.

The object of adding this clause relating to the formation of the Board is to give representation to all sorts of people like the manufacturers of boilers etc. But no consideration has been given to give representation to the labour classes. Somebody representing labour should also be there on

[Shri K. N. Pandey]

the Board. It is the labour classes that are immediately affected if there is some defect in the boiler.

Moreover, Government have framed certain rules and regulations also as to what sort of persons may be appointed as a boiler-in-charge or foremen, and with what qualifications. Therefore, it is the workers who know their difficulties more and they can suggest as to how the condition of the boilers may be improved. Therefore, my suggestion is that when the Board is constituted some representative of labour should be also put there so that every section may be represented. This is what I want to suggest in this connection.

Shri Anil K. Chanda: Sir, my hon. friend Shri Tangamani has referred to 3 or 4 points in connection with this amending Bill. I think there is some misconception about the whole approach. The Central Board makes the regulations and the actual working of the laws and regulations is with the States and will remain with the States as before. According to the law, the State Inspectorate has to act according to the provisions of the laws and regulations.

The whole trouble has arisen because these days we are having technical collaboration with countries with whom we had formerly no dealings. They have different types of boilers. They are very often different from the type of boilers we have hitherto been using. Most of our boilers previously came from England or America and we are perfectly familiar with the working of these and their specifications. Boiler technology is a fast moving science and it is not possible to have our regulations so comprehensive that every now type of boiler that may be made would be covered. We cannot admit these boilers till the regulations have been changed.

The question may be asked: why do you not change the regulations? What is the necessity of changing the laws? The trouble is this. It is a time-consuming process. Before the Central Board can decide it has got to get into touch with hundreds of people who are users of boilers and manufacturers and other similar interests. It has been found that it would take not less than six months or even a year before the regulations can be changed. This may hold up the installation of boilers in very important development projects in the public or the private sector.

We had some difficulties with regard to a particular type of steam pipe which was sought to be installed in the Sindri factory because it did not conform to the requirements of our regulations. For quite a considerable time, we had difficulty in getting the Bihar Government to accept the steam pipe. It is in order to safeguard against these difficulties that certain powers are sought to be given to the Central Government. Over the State appellate authorities' decisions, appeals will lie before the Central Government. If my hon. friend would closely scrutinise the wording of the clause, he will see that the power however can be exercised in a very restricted manner. Clause 10 of this Bill says:

> "....Any person considering himself aggrieved by an order of the appellate authority refusing under section 20 to interfere with an order not to register a boiler or not to grant or renew a certificate in respect thereof on the ground that the boiler does not conform to the regulations made under this Act.....may make an application to the Central Government....."

There may be a boiler which to the best of our knowledge is technically sound and it may be in use in other countries but may not conform to the requirements of our regulations. Therefore, the State inspectorate cannot pass that boiler. When such an

appeal comes before the Central Government, the clause here reads:

> "....the Central Government may, after calling for relevant records and other information from the appellate authority and considering the observations, if any, of that authority and obtaining such technical advice as the Central Government may consider necessary, pass such order...."

It is only to cover such cases where in spite of the best technical advice which the Government is in a position to get, the boiler may not be admitted and is rejected by a State inspectorate because it does not conform to the requirements of the regulations. It is to cover such cases that the power of appeal to the Central Government is given.

Shri Aurobindo Ghosal referred to the power sought to be given to the Central Government to give directive to the States. It is felt necessary to have this power, in view of rapid industrialisation in the country. There must be uniformity of approach and there must be co-ordinated planning at the Centre. Normally, I would not think that these powers would be very frequently used. It is only to safeguard against difficulties which may crop up that we are giving these special powers.

My hon. friend, Shri Tangamani, referred to the Defence technical people not being associated with the Central Boilers Board. But as he himself has said, certain types of boilers are excluded from the operation of the Indian Boilers Act of 1923—for instance, the railway boilers or the boilers of the defence services, boilers covered by the Indian Steam Ships Act and so on.

Now, Sir, if you will see clause 14 which describes the constitution of the Central Boilers Board, it says that the maximum member of Central Government nominees shall not exceed 15. It only fixes the maximum number and certain authorities are mentioned. It does not exclude others. If the Government consider it necessary that some technical men from the defence services should also be associated with the work of the Central Boilers Board, there is no difficulty about it. Only three or four interests are mentioned there, but the number is not to exceed 15. The Government of India as they like can nominate up to 15. The interests mentioned there are the railways, the coal industry, the Indian Standards Institution, the boiler manufacturing industry, the users of boilers and any other interests which in the opinion of the Central Government, ought to be represented on the Board. Therefore, with regard also to what my hon. friend Shri Pande said, if it is considered necessary that the workers' representatives should be associated with the Boilers Board, there should be no difficulty about it.

But, Sir, I would only submit that the work of the Central Boilers Board is of a highly technical nature. It is not that because somebody works in a particular boiler he may have scientific knowledge, that precise scientific knowledge which will enable him to make useful contribution to the work of the Central Boilers Board who would make the regulation. But if the need should arise there is no difficulty in our nominating either a representative of the defence organisation or a representative of workers on the Central Boilers Board. The power of execution remains with the States. The Central Boilers Board will make the regulations. The State Inspectorate will, under the provisions of those regulations and law, execute the work. Only the Central Government, because of exigencies of circumstances, have taken the special power of acting as a final revisionary authority and also of giving directives in the execution of these laws and regulations, nothing beyond that.

Mr. Chairman: The question is:

> "That the Bill further to amend the Indian Boilers Act, 1923,as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

Mr. Chairman: The House will now take up clause-by-clause consideration of the Bill. I find that there are no amendments to any of the clauses. I shall put all the clauses together. The question is:

"That clauses 2 to 21 stand part of the Bill".

The motion was adopted.

Clauses 2 to 21 were added to the Bill

Mr. Chairman: The question is:

"That clause 1, the Enacting Formula and the Long Title stand part of the Bill."

The motion was adopted.

Clause 1, the Enacting Formula and the Long Title were added to the Bill.

Shri Anil K. Chanda: I beg to move:

"That the Bill be passed."

Mr. Chairman: The question is:

"That the Bill be passed."

The motion was adopted.

16.49 hrs.

DELHI PRIMARY EDUCATION BILL

The Minister of Education (Dr. K. L. Shrimali): Sir, I beg to move:

"That this House concurs in the recommendation of Rajya Sabha that the House do join in the Joint Committee of the Houses on the Bill to provide for free and compulsory education for children in the Union territory of Delhi made in the motion adopted by Rajya Sabha at its sitting held on the 14th April, 1960, and municated to this House on the 16th April, 1960, and resolves that the following Members of Lok Sabha be nominated to serve on the said Joint Committee:

Shri Amjad Ali, Shri M. Ayyakkannu, Shri Chuni Lal, Shri Shankarrao Khanderao Dige, Shri V. Eacharan, Shri Aurobindo Ghosal, Shri Kanhu Charan Jena, Shri Nemi Chandra Kasliwal, Shri Chhaganlal M. Kedaria, Shri N. Keshava, Shri Baij Nath Kureel, Shri Nibaran Chandra Laskar, Shri N. B. Maiti, Shri Ram Chandra Majhi, Shri Jiyalal Mandal, Shrimati Minimata Agamdas Guru, Shri R. Govindarajulu Naidu, Shri C. Krishnan Nair, Shri P. K. Vasudevan Nair, Shri Naval Prabhakar, Shri Ram Saran, Shri Devulapalli Venkateswar Rao, Shri Bhola Raut, Shrimati Renuka Ray, Shri Birbal Singh, Dr. M. V. Gangadhara Siva, Shri Shraddhakar Supakar, Shri Shiva Datt Upadhya, Shri Atal Bihari Vajpayee and Shri Balkrishna Wasnik."

While moving this motion, I should like to draw the attention of the House to certain general principles on which this Bill is based. In Delhi, at present the Punjab Primary Education Act, 1940, is in force, but actually, in fact, it has never been enforced and on examination we found that it also had certain defects. At present, we are in the third Five Year Plan, planning to introduce free and compulsory education in all the States all over the country, and therefore we have prepared a model legislation. This legislation is based on our special social and economic conditions. After this House has passed this Bill, I propose to send it to the State Governments for passing a similar legislation in their respective States.

At present, this Bill has only a limited scope, and it is confined to Delhi only. In the near future, I propose to introduce a similar Bill for the other Union territories, namely, Himachal Pradesh, Manipur and Tripura The reason why I have not included these territories in this Bill at the present moment is, for the next few

months, we wish to speed up the progress in elementary education in these areas and then the time will be ripe for the introduction of free and compulsory education in these territories also. As far as Delhi is concerned, we propose to introduce this measure as soon as this House has passed this Bill, and we hope to implement it in the near future.

The salient features of the Bill are, first of all, the scheme of primary education has to be prepared. Whether it has to be done in whole or in part of the territory has to be decided. It would be noticed that the Bill places the responsibility of taking initiative in this matter on the local authorities in Delhi, which will be the Delhi Municipal Corporation, the New Delhi Municipal Committee and the Delhi Cantonment Board. Among these three, the whole of the Union territory of Delhi is covered.

It will be seen in clause 3(2) of the Bill that if the local authority does not take the initiative, the power has been reserved to Government to direct the local authority to prepare such a scheme. The initiative is in the hands of the local authority for elementary education. But if they do not take the initiative, the Government can always give them a directive. The scheme has to be prepared in the prescribed form which is provided under section 3(3) of the Bill, and when the State Government is satisfied that the scheme makes adequate provision for the education of the children of school-going age, to start with, we propose to introduce this for the age-group of 6 to 11, but we may extend it to 14 later on. The scheme will be sanctioned with or without modification by the Government. When this sanction is given, primary education will be made compulsory. The area to which the scheme will be applied is provided in clause 4 of the Bill. As soon as compulsion is introduced, it is obligatory on the part of parents to send their children to the schools. Every parent is placed under an obligation to make his child attend an approved school. That is provided in clause 6.

Mr. Chairman: Is there any penalty?

Dr. K. L. Shrimali: Yes; penalty comes later on.

Clause 7 lays down reasonable excuses for non-attendance. There are some conditions under which the parent may not send the children to the school. For instance, if there is no approved school imparting primary education within a prescribed distance from the residence of the child, the parent may not send the children. Obviously, if there is no school existing, the State cannot make it compulsory. Or, it may be that the only approved school within the prescribed distance from the residence of the child to which the child can secure admission is one in which religious instruction of a nature not approved by the parent is compulsory. It is possible that the school may be approved, but it may be imparting religious instruction of a nature which may not be acceptable to the parent. In that case, exemption may be given. Another ground is—

> "that the child is receiving instruction in some other manner which is declared to be satisfactory by the State Government or by an officer authorised by it in this behalf"; or
>
> "that the child has already completed primary education upto the standard specified in the declaration under section 4"; or
>
> "that the child suffers from a physical or mental defect which prevents him from attendance"; or,
>
> "that the child has been granted temporary leave of absence by the local authority, or by any other person authorised by it in this behalf, for sickness or other prescribed reason"; or

[Shri K. L. Shrimali]

"that there is any other compelling circumstance which prevents the child from attending school, provided the same is certified as such by the attendance authority".

These are the conditions under which a child may not attend the school and may be given exemption.

After having made the parents liable to make their children attend an approved school, the Bill proceeds to prescribe the procedure for the enforcement of compulsion. The first step, naturally, is to hold a census to find out the number of school-going children residing in the area where compulsion is to be introduced. The first census will be held as soon as compulsory education is introduced in the area. That is provided in clause 5(2). Thereafter, the census will be repeated annually about four months before the beginning of the academic year. It has been made a duty of the parents to assist in the holding of such censuses, under clause 5(3). We expect the parents will cooperate with the authorities in preparing the census. On the basis of such census, a list of all children to whom the Act applies, but who do not attend schools, will be prepared and notice will be issued to the parents informing that they must send their children to the schools under this Act. That is provided in clause 5(4). When the schools open for the next academic year, reports are called for from the headmasters of schools and lists of children who fail to attend in spite of notice issued to their parents under clause 5(4) will be prepared. In the case of every such child the attendance authority will hold an enquiry. That is provided for in section 8(1) of the Bill. In this enquiry the parent is usually summoned before the attendance authority. The first point which, naturally, the attendance authority will have to determine is whether there is an adequate excuse for the child to remain absent from the school. If the attendance authorities are satisfied that there is no adequate excuse, then they will pass an order and ask the parents or guardians to send their children to the schools. This order will remain in force till the child completes the primary course or passes out of the compulsory age, and is applicable to every person who has custody of the child. It is obligatory on the part of the parents or guardians to send the children to the schools. That is provided in clause 8(3), (4) and (5) of the Bill.

17 hrs.

Then there is a provision to cancel or modify the attendance order passed under section 8(2), under certain special circumstances.

Mr. Chairman: It is 5 o'clock now and the half an hour discussion has to be taken up. So, the hon. Minister might continue his speech tomorrow. We will now take up the half an hour discussion.

17.01 hrs.

DOUBLING OF VIJAYAWADA—GUDUR SECTION*

Shri T. B. Vittal Rao (Khammam): I raise this half-an-hour discussion because of the unsatisfactory answer given by the hon. Deputy Minister, Shri Shahnawaz Khan, in reply to Starred Question No. 935 on 18th March, 1960.

In the Second Plan the target was that betwen Vijayawada and Gudur 182 miles were to be doubled, because this line has reached the saturation point. Now it has been decided to double only 93 miles out of these 182 miles. I do not know which expert in the Railway Board advised the Railway Minister to take this decision. This slashing down by 50 per cent. is going to affect the movement of traffic, goods traffic especially, from stations north of Vijayawada to des-

tinations south of Vijayawada. At the same time, it is stated in the works, machinery and rolling stock programme for railways for 1960-61 that they are expected to move 700 wagons daily *via* Vijayawada.

We have to see why the decision was taken to double this line and we will have also to examine why after four years of the Plan period this decision to slash down has been taken. It has been stated that the cost of doubling has increased, therefore, this reduction in the mileage to be doubled. I may point out here that this line of 182 miles carries 19 per cent. of the total goods traffic obtaining in the Southern Railways. 182 miles out of a total mileage of 6,161 of the Southern Railways, carries 19 per cent. of the goods; that is to say, 3 per cent. of the mileage carries 19 per cent. of the goods traffic obtaining in the Southern Railways.

Here I would like to draw the attention of the hon. Minister to one publication. Probably, he has read the *Efficiency Bureau* study No. 1|160 regarding speed of goods trains.

In the study it is stated that the number of wagons dealt with in a month at Tondiarpet and Vijayawada are 32,981 and 26,717 respectively. The number of trains run between Madras and Bitragunta in one month, which has been taken as a sample one, are through 222 and all 268 and between Bitragunta and Vijayawada are through 222 and all 298.

17.06 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

There is another aspect. Let us see what is the average speed of the goods trains on this track. It is ten for through trains, nine miles for all trains and between Bitragunta and Vijayawada it is 9·59 and 7·5 per hour. This is the actual speed of the goods trains. These figures are very low. If there is any accident or failure on this railway track there will be the bunching of trains. Bunching of trains would naturally lead to the depressing of the speed of the goods trains and thereby will delay the movement of goods traffic.

We are carrying about 1 million tons of coal to the South every year from Calcutta by ships. That shows that this section is heavily saturated and we are not able to move coal to the South. Recently, we had a wonderful phenomenon which is reflected all over India. That is that the Railways are unable to move coal to stations currently. In the tobacco curing season in Andhra they experienced a considerable difficulty because they could not get coal in time.

Who has done this traffic appreciation? I want to know that. How it was done that by slashing down by 50 per cent. they will be able to move the goods? The coal requirements of the south of Vijayawada is estimated in an editorial by the *Hindu*, a very sober daily, as 3 million tons per year. If the track is not going to be doubled, I am afraid we are not going to move this 3 million tons of coal by railway to the South. Therefore, I doubt if this factor has been taken into consideration by the Railway Ministry when they have decided to slash down.

Nearly eight years ago we urged the Railway Ministry to take up the doubling of this track. They said at that time in 1955—I may briefly refer to the summary of proceedings of the meeting of the National Railway Users' Consultative Council held at New Delhi on the 11th and 12th February, 1955; I will read one paragraph, paragraph 17 on page 5—

> "Regarding a point raised by one of the Members about providing additional capacity for transport of coal from the developing Singareni Collieries, the Member (Transportation) . . ."

He has retired now.

> " . . . stated that capacity has already been increased between Bezawada and Madras from 350

[Shri T. V. Vittal Rao]

to 370 wagons and by November 1955, with the receipt of W.G. Class engines, the capacity would be increased to 500 wagons daily. The Member (Transportation) disclosed also that the Railway Board were examining whether it would be desirable to build a line from Kazipet to Gudur, which, if justified, would be constructed in time."

When we urged that either this line should be doubled, or the alternative link should be taken up, they said they were considering it. Suddenly, when the Second Plan was being formulated, it was said that the railways were undertaking the doubling of this track, and therefore the alternative link would not be taken up. This was also given as a reason that a bridge had to be constructed across the Krishna which would be costly, and therefore they would not take it up. Now, after four years, without any reason being given, a simple paragraph has been given stating that with this patched doubling they would be able to move currently all the traffic.

This raises a fundamental question. What is the Plan which is approved by Parliament? In the Second Plan, Rs. 185 crores have been provided to increase the line capacity and this is among the lines to be doubled. I have been putting questions about it year after year, session after session; at no stage did the Minister say that they were going to reduce the length of doubling in this track. Suddenly in the final year of the Plan period they come and say that it is being reduced. I do not know how a planned item can be dealt with in this fashion. In that case, there is no use adopting a Plan at all. We can simply say that so many crores are allotted to the Railway Ministry, and they can use it on whatever they think fit.

What was the justification for deciding on doubling this line at that time; and how is it that it is going to be reduced now? If cost is to be the considerat on, how were the new links not in the plan taken up, because the amount allotted is only Rs. 1,125 crores?

During the Second Plan it was proposed to deepen and widen the Buckingham Canal, but now the Transport Ministry, on account of the Inland Water Transport Committee's Report, has decided that it is not going to do it. If at least that had been done, some goods could have been moved. In that Canal also you find that traffic is increasing year after year. Fertilisers will have to be moved from the new fertiliser factory that is coming up in the north of Vijayawada, and gypsum has to be carried from Trichy to Kothagudem. These things have to be taken into consideration, but the Railway Ministry have no vision, and they suddenly take decisions. He might say that he does not know what the other Ministries are doing. Then, why have a Plan, why talk of co-ordination at all?

I, therefore, strongly urge that if there is to be no transport bottleneck at Vijayawada in this section, either the whole length of 182 miles has to be doubled, or he must take up the alternative link from Hyderabad to Ongole *via* Nalgonda and Macherla. Then alone will you be able to move the traffic offering currently.

We are going to develop mines in a big way in that area. He may say that the Steel Ministry has not advised him, but these things are on paper. We have written to the Planning Commission about the targets to be fixed for coal raising there. Considering all these things, I hope the Railway Ministry will revise its attitude and either take up the doubling of the entire length, or the alternative link of connecting Hyderabad with Ongole *via* Nalgonda and Macherla.

Mr. Deputy-Speaker: Now, Dr. Melkote. The hon. Member may just put a question.

Dr. Melkote (Raichur): Vijayawada has a strategic importance in that the trains connecting Madras to the north *via* Kazipet and the trains from Madras to Calcutta both converge at Vijayawada, from which the line takes off to Madras. This sector of the railway line between Vijayawada and Madras.....

Mr. Deputy-Speaker: No speech can be made, only a question might be put. In a half-an-hour discussion, only those Members who have given prior notice may be allowed to put a question or two.

Dr. Melkote: I express concern, and I would like to know why this matter has been deferred.

Ch. Ranbir Singh *rose*—

Mr. Deputy-Speaker: Is the hon. Member also interested in Vijayawada?

Ch. Ranbir Singh (Rohtak): Yes, why not?

Shri T. B. Vittal Rao: He is concerned all over.

Ch. Ranbir Singh: May I know from the hon. Minister the economics and the desirability of providing an alternative link even at an additional cost in order to open the new areas, in comparison to doubling the lines on the same track.

Mr. Deputy-Speaker: That is quite a different thing altogether. What has that to do with this discussion?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): That is a general proposition.

At the outset, I would like to correct one figure which my hon. friend has given. It is not 93 miles of doubling. Actually, it will be another 25 miles more, out of the 182 miles.

Shri T. B. Vittal Rao: Where is that figure?

Shri S. V. Ramaswamy: The point is this. From Sundru there will be a link to Vijendla, and a broad gauge line will be laid between Vijayawada and Guntur, so that there will be actually a doubling between Vijayawada and Sundru. That accounts for another 25 miles. Therefore, if we add this to the 93 miles, it comes actually to 118 miles.

This work is included in the 1960-61 programme.

My hon. friend has asked: What is this? Why did they say that the doubling was necessary, that is, the whole of it? Who gave that estimate? Who gave that idea? Why has it been revised? What is the reason? If that is the case, then what is the sanctity about the Plan? He has asked all these questions. I am sure the hon. Member is not going to say that a plan cannot be revised if the original anticipation does not materialise or other exigencies arise which make it necessary to modify the original plan. It is not as if having once formulated a plan, we must stick to it whether that is justified or not.

It is admitted that in the Second Five Year Plan the traffic anticipated was 700 wagons per day south of Vijayawada; that would require about 20 trains actually. We are having 8·5 passenger trains and 12 goods trains. This is our requirement, thus making a total of 20:5 trains. As it is, it is only 15 trains. The original plan was to move the traffic in two different directions, south of Gudur; a portion of it will go to Tondiarpet *via* Madras; the other portion was to go *via* Gudur, Renigunta and Arkonam. This was the original plan.

With regard to the Gudur-Renigunta, broad gauge connection is complete; we are partially doubling the Renigunta-Arkonam section, so that that scheme will be held intact.

My hon. friend read from some other report about the number of wagons dealt with at Tondiarpet.

[Shri S. V. Ramaswamy]

When this line is complete, that is, the doubling between Renigunta and Arkonam is complete, a good portion of the traffic will be diverted *via* Gudur-Renigunta, and there will not be that pressure at Tondiarpet at all. So, it is a matter of a few months more till the partial doubling between Renigunta and Arkonam is complete.

My hon. friend is under the impression that the traffic has materialised and that there is some bottleneck and so on. If the House would bear with me, I would give the figures. Though the original anticipation was 700 wagons per day by the end of the Second Five Year Plan, the daily average of the actual movement of traffic south of Vijayawada is as follows:

1955-56	359 wagons
1956-57	404 "
1957-58	420 "
1958-59	432 "
1959-60	484 "

During the current busy season, December 1959, to March 1960, the goods movement has been of the order of only 511 wagons. So the traffic originally expected has not materialised. Therefore, in anticipation of possible infructuous expenditure, we thought of this matter. Our experts have gone into the question whether the doubling of the 182 miles is justified and come to the conclusion that it is not justified, and these 93 miles *plus* 25 miles would be enough to deal with any traffic that might arise. Of these 93 miles, we have completed 47 miles—nearly 48 miles have been opened for traffic. The remaining 45·25 miles will be constructed according to schedule. The present overall progress in the five sections till the end of March 1960, and the target dates fixed for opening these lengths are as under:

Gudur-Manubolu: 69 per cent. is complete, expected target date for opening, December 1960.

Talamanchi-Musunnur: 53 per cent. complete. We shall be opening it in October 1960.

Tettu-Chakicherla: 55 per cent. has been done. It is due for opening in September 1960.

Ulavapadu-Surareddipalem: 70 per cent. of the work is done, and the target date is November, 1960.

Uppugundur-Chinnaganjam: 83 per cent. is done and it is due to the opened next month.

Shri T. B. Vittal Rao: For passengers as well?

Shri S. V. Ramaswamy: It will take some time, because the track must settle down. So this will practically be complete by about the end of 1960.

The hon. Member spoke about the movement of coal. It is true that a good deal of coal is being taken by the sea-route. As the hon. Minister said the other day, coastal traffic is necessary and we must encourage coastal shipping. That is also another department of the same Government. Therefore, coal is being moved by coastal shipping. But even if we completely avoid coastal shipping and want to carry all the coal by trains, we still have got the capacity to do that. We can carry that. The movement of loco coal to South *via* Waltair, which was 58 wagons per day during 1958, was increased to 75 wagons per day during 1959 and further enhanced to 100 wagons per day with effect from 1st April, 1960. In case all the coal now despatched by the sea route is also to be moved by the rail route, a capacity of 183 wagons per day would be required and this will be available after the proposed partial doubling is completed even if the full traffic anticipated in the Second Plan develops.

So there is enough margin and enough cushion. There is no bottleneck. We are able to move all the traffic and there is no hold-up.

My hon. friend said that if there is an accident, there will be bunching of trains. No major accident has happened resulting in the bunching of trains. There may be a delay of one or two or a few hours. But there has not been any bunching. And, thank God, there has been no major accident. Let us pray that there would not be any major accident on this line.

Shri T. B. Vittal Rao: We join in the prayer.

Shri S. V. Ramaswamy: Let us all pray. There is no difficulty about joining in the prayer.

The hon. Member spoke about the Khazipat-Gudur line. I have got a hunch; I do not know whether I am right in thinking that in this half-an-hour discussion. He is trying to push the other scheme through (*Interruption*). However desirable that may be, I am afraid it is not possible. Why we thought of doubling was this, that the line would be about 300 odd miles and it would cost about Rs. 20 crores.

Shri T. B. Vittal Rao: Which is 300 miles?

Shri S. V. Ramaswamy: The Secunderabad-Gudur-Macherla line.

Shri T. B. Vittal Rao: It would be 150 miles.

Shri S. V. Ramaswamy: It will be about 300 miles and odd and it cost Rs. 20 crores. It is about 320 miles actually and it would take 4 years and more to complete it. If we had taken up that line it would not have met the immediate necessity of moving the goods. Therefore, we gave it up. We originally thought of full doubling. Then, subsequently, we revised it to meet the needs; and we have decided upon partial doubling which is nearly 60 per cent. of the original one and it is being pushed through. There is no hold-up; there is no bottleneck; there is no difficulty and the traffic is moving smoothly and quietly.

Shri T. B. Vittal Rao: Why is the average speed of the goods train very low on that section?

Shri S. V. Ramaswamy: My hon. friend quoted certain figures. It is not much below the all-India average; it is somewhere about 10 miles; and there is no particular hold-up of the traffic. As a matter of fact, if traffic offers we can move even now with 45 miles pending. We can even now move 700 wagons; there is no difficulty. So, the hon. Member may feel satisfied that what we have done is correct.

Shri T. B. Vittal Rao: I want to ask only one question, Sir. Will the alternate route I suggested—Hyderabad to Ongole *via* Nalgonda and Macherla—be 300 miles?

Shri S. V. Ramaswamy: I have got it; it will be 320 miles from Secunderabad to Gudur *via* Macherla.

Mr. Deputy-Speaker: The House will now stand adjourned to meet again at 11 A.M. tomorrow.

The Lok Sabha then adjourned till Eleven of the Clock on Thursday, April 28, 1960/Vaisakha 8, 1882 (Saka).

[*Wednesday, April 27, 1960/Vaisakha 7, 1882 (Saka)*]

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2781-I	Heir to the Gaddi of Nawab of Bhopal . .	14134

PAPERS LAID ON THE TABLE . . . 14135, 14138

(1) A copy of each of the following papers under sub-section (2) of Section 17A of the Industrial Disputes Act, 1947:—

(*a*) The award of the Labour Court, Andaman and Nicobar Islands, Port Blair, in Industrial Dispute No.2 of 1959 published In Andaman Nicobar Gazette Notification No. IDA/17/3 dated the 5th July, 1959

(*b*) Notification No. 129/59 published in Andaman Nicobar Gazette dated the 30th September, 1959 rejecting the above award.

(2) The Rajasthan Bhoodan Yagna Board (Reconstitution) Order, 1960, published in Notification No. G.S.R. 406 dated the 8th April, 1960, under sub-section (5) of Section 4 of the Inter-State Corporations Act, 1957.

(3) A copy of Notification No. G.S.R. 420, dated the 16th April, 1960, under sub-section (4) of Section 43B of the Sea Customs Act, 1878.

REPORT OF COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS—PRESENTED . . . 14138

Sixty-fourth Report was presented.

REPORTS OF ESTIMATES COMMITTEE PRESENED . . . 14138

Ninety-third and Ninety-fourth Reports were presentd.

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE . . . 14139—43

Shri Khadilkar called the attention of the Minister of Transport and Communications to the strike by road transport operators in Bombay.

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur) laid on the Table a statement in regard thereto.

BILLS PASSED . . 14143—14257

(*i*) The Minister of Railways(Shri Jagjivan Ram) moved that the Appropriation (Railways) No. 3 Bill, 1960 be taken into consideration. The motion was adopted. After clause-by-clause consideration the Bill was passed.

COLUMNS

BILLS PASSED—Contd

(*ii*) The Minister of State in the Ministry of Home Affairs (Shri Datar) moved that the Supreme Court (Number of Judges) Amendment Bill, as passed by Rajya Sabha, be taken into consideration. The motion was adopted After clause-by clause consideration the Bill was passed.

(*iii*) The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda) moved that the Indian Boilers (Amendment) Bill, as passed by Rajya Sabha, be taken into consideration. The motion was adopted After clause by-clause consideration the Bill was passed.

MOTION FOR CONCURRENCE TO REFER BILL TO JOINT COMMITTEE UNDER CONCIDERATION .. . 14257–62

The Minister of Education (Dr. K. L. Shrimali) moved the motion for concurrence in the recommendation of Rajya Sabha to refer the Delhi Primary Education Bill, 1960, to a Joint Committee. The discussion was not concluded.

COLUMNS

MOTION FOR CONCURRENCE TO REFER BILL TO JOINT COMMITTEE UNDER CONCIDERATION—*Contd.*

HALF-AN-HOUR DISCUSSION . . 14262–72

Shri T. B. Vittal Rao raised a half-an-hour discussion on points arising out of the answer given on the 18th March, 1960 to Starred Question No. 935 regarding doubling of Vijayawada-Gudur Section.

The Deputy Minister of Railways (Shri S. V. Ramaswamy) replied to the debate.

AGENDA FOR THURSDAY, APRIL 28, 1960/ VAISAKHA 8, 1882 (SAKA)—

Further discussion on the motion for consurence to refer the Delhi Primary Education Bill to a Joint Committee and consideration and passing of the Hindu Marriages (validation of Proceedings), Bill, as passed by Rajya Sabha.

GMGIPND—L.S. II—341(Al) L.S.—13-5-60— 950.